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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

PAT NORMAN
President

DENNIS J HERRERA
Vice President

SIDNEY CHAN
Commissioner

EDWARD J PETRILLO
Commissioner

CONNIE PERRY
Commissioner

LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 6, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance

2. Roll Call

3. Approval of Consent Calendar

4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Malcolm S. Fong, Bayview (File Nos. C98-159 & C98-238 JBR)

5. Police Commission Announcements
   a. Motion of Calendaring of New Items

6. Chief's Announcements and Review of Recent Department Events

7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events

8. Presentation of the Early Warning System Reports of the OCC for the Second and Third Quarters of 1998

9. Request of the Chief of Police for Authorization to Accept Retroactively and Expend Funds in the amount of $878,925.00 to Implement the Cops-More '98 Program funded in part by the U.S. Department of Justice - Office of Community Oriented Policing Services

10. Request of the Chief of Police for Authorization to Accept and Expend Funds on Behalf of the San Francisco Police Department, in the amount of $44,325.00 as a Gift from the Koret Foundation through a Grant to SocialTech, Inc., to be used as Matching Funds for the Cops-More '98 Federal Grant Program to Purchase Trak Systems

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 6, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

11. Request of the Chief of Police for Authorization to Accept and Expend Funds on behalf of the San Francisco Police Department in the amount of $244,540.00, from the City and County of San Francisco Airport Commission, to be used as Matching Funds for the San Francisco Police Department's Airport Bureau Component of the Cops-More '98 Federal Grant Program

12. Public Comments
(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

13. Hearing and Disposition on Disciplinary Charges filed against Officer Tracey C. Boes, Taraval (File No. C98-102 JWA)

14. Hearing and Disposition on Disciplinary Charges filed against Officer Kevin P. Murray, Airport Bureau (File No. C98-103 JWA)

**There will be Public Comments on any item before or during discussion of each item.*

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 6, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept donations of Nine (9) Colt Rifles for used of the San Francisco Police Department. Donations are from Officers Miguel Granados, Paul Yep, Richard Kim, Steve Mooney, Alfred Wong, Larry Vales, Arlin Vanderbilt, Brian Kam, and Sgt. Wallace Gin

2. Request of the Chief of Police for Approval to Issue Taxicab Owner's Permits for the following individuals: John Arkeder; Cornelia Auer; Avedian, Ara; Robin Bullard; Stuart Campbell; William Case; Jeannon Chang; Kin Ching; Walter Derby; Jack Dudum; Sylvia Dudum; Anthony Fletcher; Tekle Girmay; Aloysious Hall; Jason Hall; Pat Harrington; Mark Harrison; David Hersh; Joseph Hines; Anh Huynh; Abdelaziz Ibraheim; Victor Jacob; Fayez Kayed; Michail Kipnis; Tri Le; George Lee; Alexander Lishansky; Robert Maker; James Mills; Hamed Mohammed; Robert Moore; Patrick Murphy; John Opulencia; Hikmut Popal; Robert Poquez; Chad Rokeach; Arkady Rosenblum; John Ruggerio; Patricia Sanchez; Symphony C. Sanchez; Rajinder Sanwal; Anwar Shahla; Abdeuatif Sidia; Surinder Singh; Lando Siu; Robert Surrell; Lauretta Tacchini; Tammy Tober; Perseveranda Trinidad; Rene Walker; Eugene Wishnofff; Jamie Yuen and Xin-Yuan Zeng

**There will be Public Comments on any item before or during discussion of each item.*

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JANUARY 6, 1999 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Perry

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 1-99

APPROVAL TO ACCEPT DONATIONS OF NINE (9) COLT RIFLES FOR USED OF THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept nine (9) Colt Rifles, each valued at approximately $850.00, for used of the San Francisco Police Department.

Donations were made by:

Officer Miguel Granado	Serial #LBD004430
Officer Paul Yep	Serial #LBD002502
Officer Richard Kim	Serial #LBD003873
Officer Steve Mooney	Serial #BD001690
Officer Arlin Vanderbilt	Serial #LBD003899
Officer Brian Kam	Serial #LBD006372
Sergeant Wallace Gin	Serial #LBD003793
Officer Larry Vales	Serial #LBD003826
Officer Alfred Wong	Serial #LBD004260

AYES: Commissioners Herrera, Chan, Norman, Perry

RESOLUTION NO. 2-99

APPROVAL OF TAXICAB OWNER'S PERMITS

WHEREAS, the Police Commission, on September 4, 1996, as per Resolution 151-96, declared that Public Convenience & Necessity requires the issuance of 100 additional taxicab permits; therefore be it

RESOLVED, that the following individuals, based on their applications and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and are hereby granted to: John Arkeder; Cornelia Auer; Avedian, Ara; Robin Bullard; Stuart Campbell; William Case; Jeannon Chang; Kin Ching; Walter Derby; Jack Dudum; Sylvia Dudum; Anthony Fletcher; Tekle Girmay; Aloysious Hall; Jason Hall; Pat Harrington; Mark Harrison; David Hersh; Joseph Hines; Anh Huynh; Abdelaziz Ibraheim; Victor Jacob; Fayez Kayed; Michail Kipnis; Tri Le; George Lee; Alexander Lishansky; Robert Maker; James Mills; Hamed Mohammed; Robert Moore; Patrick Murphy; John Opulencia; Hikmut Popal; Robert Poquez; Chad Rokeach; Arkady Rosenblum; John Ruggerio; Patricia Sanchez; Symphony C. Sanchez; Rajinder Sanwal; Anwar Shahla; Abdeuatif Sidia; Surinder Singh; Lando Siu; Robert Surrell; Lauretta Tacchini; Tammy Tober; Perseveranda Trinidad; Rene Walker; Eugene Wishnoff, and Jamie Yuen

AYES: Commissioners Herrera, Chan, Norman, Perry

RESOLUTION NO. 3-99

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER MALCOLM S. FONG, BAYVIEW (FILE NOS. C98-159 & C98-238 JBR)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Malcolm S. Fong, Star No. 659, Bayview Station, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Fong; therefore be it

RESOLVED, that Commissioner Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Malcolm S. Fong and is to be set at a later date.

AYES: Commissioners Herrera, Chan, Norman, Perry

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan discussed purchase of land for Central Station.

Commissioner Herrera greeted the audience and thanked Commissioner Norman and complements her for service as president. Commissioner Herrera further discussed the mission of the department in upcoming year and talked of Community Policing. He asked the Chief for report regarding Community Policing Committee and asked the Chief to further report to the Commission each quarter.

Commissioner Chan to work as liaison regarding Community Policing and Commissioner Perry will be backup.

Commissioner Herrera talked about training and education on continuing basis and asked for a report from the Chief regarding education. Commissioner Herrera will be liaison on training and Commissioner Norman will be backup.

CHIEF'S ANNOUNEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau briefed the Commission on New Year's eve events meeting is too early to report and details will follow later.

Chief Lau stated that the department is planning for 150th S.F. Police Celebration. The Chief also stated that Saturday, January 9th, he will be appointing 140 Assistant Inspectors.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap discussed Early Warning Report and presented report to the Commission. Commissioner Chan asked for further information. Commissioner Perry asked regarding follow-up when more than three complaints are filed. Sergeant Corriea, MCD, responded.

PUBLIC COMMENTS re: Early Warning System

Lieutenant Steve Johnson, POA, discussed General Order 3.19 and asked for review.

Richard Stipman complained about action of officers.

Director Mary Dunlap introduced new Chief Investigator Donna Medley.

RESOLUTION NO. 4-99

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT, AND EXPEND FUNDS ON BEHALF OF THE SAN FRANCISCO POLICE DEPARTMENT, IN THE AMOUNT OF $878,925.00 TO IMPLEMENT THE COPS-MORE '98 PROGRAM FUNDED IN PART BY THE U.S. DEPARTMENT OF JUSTICE - OFFICE OF COMMUNITY ORIENTED POLICING SERVICES

RESOLVED, that the Police Commission hereby authorizes the Chief of Police to apply for, accept, and expend funds on behalf of the San Francisco Police Department, in the amount of $878.925.00 to implement the Cops-More '98 Program funded in part by the U.S. Department of Justice-Office of Community Oriented Policing Services.

AYES: Commissioners Herrera, Chan, Norman, Perry

RESOLUTION NO. 5-99

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT, AND EXPEND FUNDS ON BEHALF OF THE SAN FRANCISCO POLICE DEPARTMENT, IN THE AMOUNT OF $44,325.00 AS A GIFT FROM THE KORET FOUNDATION THROUGH A GRANT TO SOCIAL TECH, INC., TO BE USED AS MATCHING FUNDS FOR THE COPS-MORE '98 FEDERAL GRANT PROGRAM TO PURCHASE TRAK SYSTEMS

RESOLVED, that the Police Commission hereby authorizes the Chief of Police to apply for, accept, and expend funds on behalf of the San Francisco Police Department, in the amount of $44,325.00 as a gift from the Koret Foundation through a grant to SocialTech, Inc., to be used as matching funds for the Cops-More '98 Federal Grant Program to purchase Trak Systems.

AYES: Commissioners Herrera, Chan, Norman, Perry

RESOLUTION NO. 6-99

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT, AND EXPEND FUNDS ON BEHALF OF THE SAN FRANCISCO POLICE DEPARTMENT, IN THE AMOUNT OF $244,540.00, FROM THE CITY AND COUNTY OF SAN FRANCISCO AIRPORT COMMISSION, TO BE USED AS MATCHING FUNDS FOR THE SAN FRANCISCO POLICE DEPARTMENT'S AIRPORT BUREAU COMPONENT OF THE COPS-MORE '98 FEDERAL GRANT PROGRAM

RESOLVED, that the Police Commission hereby authorizes the Chief of Police to apply for, accept, and expend funds on behalf of the San Francisco Police Department, in the amount of $244,540.00, from the City and County of San Francisco Airport Commission, to be used as matching funds for the San Francisco Police Department's Airport Bureau component of the Cops-More '98 Federal Grant Program.

AYES: Commissioners Herrera, Chan, Norman, Perry

PUBLIC COMMENTS

Matthew Dodd discussed actions of police on New Year's Eve.
Barry Toronto discussed monitoring of new taxi drivers and limos.
Greg Derby commended the Commission.

HEARING OF OFFICER TRACEY C. BOES, TARAVAL (FILE NO. C98-102 JWA)

The hearing of Police Officer Tracey C. Boes, Star No. 1470, was called it having been set for this date. Officer Boes was charged, in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

Officer Tracey C. Boes appeared in person and was represented by Lieutenant Steve Johnson, POA.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Boes admitted to the specification contained in File No. C98-102 JWA. Officer Boes personally affirmed the admission in these matters and accepts responsibility for his acts.

Based on Officer Boes' admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that Officer Tracey C. Boes be suspended without pay for ninety (90) days; forty-five (45) days of the ninety (90) day suspension shall be held in abeyance for two (2) years on the following conditions: That Officer Boes shall maintain a standard of good conduct and that he does not receive sustained complaints of misconduct; that Officer Boes shall participate in a program of counseling and monitoring regarding alcohol abuse pursuant to the provisions of Department General order 11.11. This program shall be structured by the Commanding Officer of the Staff Services Division. The program shall require evaluation of what, if any, problem Officer Boes may have with alcohol abuse, determine the appropriate prescription of counseling to deal with the problem, determine necessary follow-up and make quarterly reports to the Commission concerning his participation in the program and recommend the appropriate termination of the program.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 7-99

DECISION-HEARING OF OFFICER TRACEY C. BOES, TARAVAL (FILE NO. C98-102 JWA)

WHEREAS, on June 9, 1998, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Officer Tracey Boes, as follows:

SPECIFICATION NO. 1:

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, Tracey C. Boes, Star Number 1470, (hereinafter referred to as "the accused") is a police officer employed by the San Francisco Police Department and assigned to the Taraval District, Field Operations Bureau;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On July 27, 1997, the accused and Officer Kevin Murray, also a member of the San Francisco Police Department, went to the City of Fresno, State of California to participate in the Police Olympics. After checking into their hotel rooms, they learned that the event they planned to participate in the next day had been canceled. Later in the evening, the accused and Officer Murray decided to have a few drinks and they hired a taxi cab which took them to a dance club in Fresno. The accused and Officer Murray decided they did not like the kind of bar the taxi driver took them to. They again hailed a taxi cab. The driver suggested that they might like a bar in the nearby town of Clovis. The cab driver took the accused and Officer Murray to a bar in Clovis, California, called the "In Ka Hoots Bar." They arrived at the bar at about 2400 hours;

(4) On July 28, 1997, at approximately 0001 hours, the accused and Officer Murray entered the In Ka Hoots Bar in Clovis, California. The bar was quiet with only a bartender and four other patrons present;

(5) After entering the bar, the accused and Officer Murray drank some beers and hard liquor. The accused and Officer Murray engaged in conversation with two of the female patrons in the bar. One of the female patrons was offended by the officers' comments during the conversation. When the bartender became aware of her upset, the bartender requested that the accused and Officer Murray leave the premises. When the accused and Officer Murray refused to leave the bar, the bartender attempted to forcibly escort Officer Murray from the bar. Officer Murray resisted the bartender's attempt to expel him and the accused came to his aid, a bar patron became involved with the accused, resulting in a fight that moved from inside the bar to outside the bar on the public street, and one of the patrons called for police assistance;

(6) By refusing to leave the In Ka Hoots Bar after causing a disturbance and physically interfering with the bartender, the accused engaged in conduct which, in a criminal context, would violate California Penal Code §415, which states:

"415. Disturbing the peace.

Any of the following persons shall be punished by imprisonment in a county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine:

(1) Any person who unlawfully fights in a public place or challenges another person in a public place to fight.
(2) Any person who maliciously and willfully disturbs another

person by loud and unreasonable noise.
(3) Any person who uses offensive words in a public place which are inherently likely to provoke an immediate violent reaction."

(7) A member of the Clovis Police Department arrived at the location of the In Ka Hoots Bar and saw what appeared to him to be a fight in progress. The lone officer intervened to stop the fight. The accused and Officer Murray refused the Clovis Police Department officer's order to stop fighting and stay on the ground. The accused and Officer Murray were both sprayed with pepper spray and were both taken into custody at 0154 hours by Clovis Police Department members who responded as backup to assist the first member of the force on the scene. The accused was described by the arresting officer as intoxicated, with red and glassy eyes, unsteady on his feet, and speaking with slurred speech. The Clovis police officers concluded that the accused and Officer Murray were very intoxicated;

(8) The accused and Officer Murray were taken to the Clovis Police Department Jail and held for violation of Penal Code §647 subsection (f) Release when sober. California Penal Code §647 subsection (f) states:

"§647. Disorderly conduct; Restrictions on probation
Every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor: ...
(f) Who is found in any public place under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, controlled substance, or toluene, in such a condition that he or she is unable to exercise care for his or her own safety or the safety of others, or by reason of his or her being under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, or toluene, interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way."

(9) When the accused and Officer Murray arrived in the Clovis Police Department Jail, they identified themselves as peace officers and members of the San Francisco Police Department. While in the jail, the accused cursed the Clovis Police Department officers and called them derisive names, he disrupted the jail routine by his loud and abusive conduct, and made frequent reference to his membership in the police department;

(10) The accused, by his conduct, specifically, disrupting a public lounge with his intoxicated behavior and disrupting the Clovis Police Department Jail with loud cursing and calling Clovis police officers derisive and vulgar names while representing himself to be a member of the San Francisco Police Department and during his presence in the Fresno area representing the San Francisco Police Department at the Police Olympics, has engaged in conduct any reasonable police officer would know brings discredit on the department, which violated Rule 9 of the Department General Order 2.01 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, thought not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City

and County of San Francisco on January 6, 1999 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Tracey Boes' admission, the Commission finds the allegations contained in Specification No. 1 as preferred by Chief of Police Fred H. Lau against Officer Boes are sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustained

That Officer Tracey C. Boes be suspended without pay for ninety (90) days; forty-five (45) days of the ninety (90) day suspension shall be held in abeyance for two (2) years on the following conditions: That Officer Boes shall maintain a standard of good conduct and that he does not receive sustained complaints of misconduct; that Officer Boes shall participate in a program of counseling and monitoring regarding alcohol abuse pursuant to the provisions of Department General order 11.11. This program shall be structured by the Commanding Officer of the Staff Services Division. The program shall require evaluation of what, if any, problem Officer Boes may have with alcohol abuse, determine the appropriate prescription of counseling to deal with the problem, determine necessary follow-up and make quarterly reports to the Commission concerning his participation in the program and recommend the appropriate termination of the program.

FURTHER RESOLVED, that said forty-five (45) day suspension shall commence on Saturday, January 9, 1999, at 0001 hours, and terminate on Monday, February 22, 1999, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Herrera, Chan, Norman, Perry

HEARING OF OFFICER KEVIN P. MURRAY, AIRPORT (FILE NO. C98-103 JWA)

The hearing of Police Officer Kevin P. Murray, Star No. 4032, was called it having been set for this date. Officer Murray was charged, in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department):

Officer Kevin P. Murray appeared in person and was represented by Lieutenant Steve Johnson, POA.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco

Police Department.

Officer Murray admitted to the specification contained in File No. C98-102 JWA. Officer Murray personally affirmed the admission in these matters and accepts responsibility for his acts.

Based on Officer Murray's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that Officer Kevin P. Murray be suspended without pay for ninety (90) days; forty-five (45) days of the ninety (90) day suspension shall be held in abeyance for two (2) years on the following conditions: That Officer Murray shall maintain a standard of good conduct and that he does not receive sustained complaints of misconduct; that Officer Murray shall participate in a program of counseling and monitoring regarding alcohol abuse pursuant to the provisions of Department General order 11.11. This program shall be structured by the Commanding Officer of the Staff Services Division. The program shall require evaluation of what, if any, problem Officer Murray may have with alcohol abuse, determine the appropriate prescription of counseling to deal with the problem, determine necessary follow-up and make quarterly reports to the Commission concerning his participation in the program and recommend the appropriate termination of the program.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 8-99

DECISION-HEARING OF OFFICER KEVIN P. MURRAY
(FILE NO. C98-103 JWA)

WHEREAS, on June 9, 1998, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Officer Kevin P. Murray, as follows:

SPECIFICATION NO. 1:

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, Kevin P. Murray, Star Number 4032, (hereinafter referred to as "the accused") is a police officer employed by the San Francisco Police Department and assigned to the Airport Bureau;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On July 27, 1997, the accused and Officer Tracey Boes, also a member of the San Francisco Police Department, went to the City of Fresno, State of California to participate in the Police Olympics. After checking into their hotel rooms at 1800 hours, and checking in with the organizers of the Police Olympics at another hotel, they learned that the soccer match they planned to participate in the next day had been canceled. Later in the evening, the accused and Officer Boes decided to have a few drinks and they hired a taxi cab which took them to a dance club in Fresno. The accused and Officer Boes decided they did not like the kind of bar the taxi driver took them to. They again hailed a taxi cab and the cab driver suggested that they might like a bar in the nearby town of Clovis. They agreed and the cab driver took the accused and Officer Boes to a bar in

Clovis, California, called the "In Ka Hoots Bar." They arrived at the bar at about 2400 hours;

(4) On July 28, 1997, at approximately 0001 hours, the accused and Officer Boes entered the In Ka Hoots Bar in Clovis, California. The bar was quiet with only a bartender and four other patrons present;

(5) After entering the bar, the accused and Officer Boes drank some beers and hard liquor. The accused and Officer Boes engaged in conversation with two of the female patrons in the bar. One of the female patrons was offended by the officers' comments during the conversation. When the bartender became aware of her upset, the bartender requested that the accused and Officer Boes leave the premises. When the accused and Officer Boes refused to leave the bar, the bartender attempted to forcibly escort Officer Boes from the bar. The accused resisted the bartender's attempt to expel him and Officer Boes came to his aid, a bar patron became involved with the Officer Boes, resulting in a fight that moved from inside the bar to outside the bar on the public street. One of the patrons called for police assistance;

(6) By refusing to leave the In Ka Hoots Bar after causing a disturbance and physically resisting the bartender's efforts to escort him from the bar, the accused engaged in conduct which, in a criminal context, would violate California Penal Code §415, which states:

"415. Disturbing the peace.
Any of the following persons shall be punished by imprisonment in a county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine:
(1) Any person who unlawfully fights in a public place or challenges another person in a public place to fight.
(2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.
(3) Any person who uses offensive words in a public place which are inherently likely to provoke an immediate violent reaction."

(7) A member of the Clovis Police Department arrived at the location of the In Ka Hoots Bar and saw what appeared to him to be a fight in progress. The lone officer intervened to stop the fight. The accused and Officer Boes refused the Clovis Police Department officer's order to stop fighting and stay on the ground. The accused and Officer Boes were both sprayed with pepper spray and were both taken into custody at 0154 hours by Clovis Police Department members who responded as backup to assist the first member of the force on the scene. The accused was described by the arresting officer as intoxicated, with red and glassy eyes, unsteady on his feet, and speaking with slurred speech with an obvious chip on his shoulder;

(8) The accused and Officer Boes were taken to the Clovis Police Department Jail and held for violation of Penal Code §647 subsection (f) Release when sober. California Penal Code §647 subsection (f) states:

"§647. Disorderly conduct; Restrictions on probation
Every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor: ...
(f) Who is found in any public place under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, controlled substance, or toluene, in such a condition that he or she is unable to exercise care for his or her own safety

or the safety of others, or by reason of his or her being under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, or toluene, interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way."

(9) When the accused and Officer Boes arrived in the Clovis Police Department Jail, they identified themselves as peace officers and members of the San Francisco Police Department. While in the jail, the accused cursed the Clovis Police Department officers and called them derisive names, he disrupted the jail routine by his loud and abusive conduct, and made frequent reference to his membership in the police department;

(10) The accused, by his conduct, specifically, disrupting a public lounge with his intoxicated behavior and disrupting the Clovis Police Department Jail with loud cursing and calling Clovis police officers derisive and vulgar names while representing himself to be a member of the San Francisco Police Department and during his presence in the Fresno area representing the San Francisco Police Department, has engaged in conduct any reasonable police officer would know brings discredit on the department, which violated Rule 9 of the Department General Order 2.01 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, thought not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City and County of San Francisco on January 6, 1999 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Kevin P. Murray's admission, the Commission finds the allegations contained in Specification No. 1 as preferred by Chief of Police Fred H. Lau against Officer Murray are sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustained

That Officer Kevin P. Murray be suspended without pay for ninety (90) days; forty-five (45) days of the ninety (90) day suspension shall be held in abeyance for two (2) years on the following conditions: That Officer Boes shall maintain a standard of good conduct and that he does not receive sustained complaints of misconduct; that Officer Boes shall participate in a program of counseling and monitoring regarding alcohol abuse pursuant to the provisions of Department General order 11.11. This program shall be structured by the Commanding Officer of the Staff Services Division. The program shall require

evaluation of what, if any, problem Officer Boes may have with alcohol abuse, determine the appropriate prescription of counseling to deal with the problem, determine necessary follow-up and make quarterly reports to the Commission concerning his participation in the program and recommend the appropriate termination of the program.

FURTHER RESOLVED, that said forty-five (45) day suspension shall commence on Saturday, January 9, 1999, at 0001 hours, and terminate on Monday, February 22, 1999, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Herrera, Chan, Norman, Perry

Thereafter, the meeting was adjourned at 6:40 p.m.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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Commissioner

LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING
WEDNESDAY, JANUARY 13, 1999
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505
San Francisco, California

1. Roll Call

2. Public Comment on all matters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with legal counsel. (San Francisco Administrative Code section 67.11(a).)

4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code section 67.11(b).

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

   a. Simca Harris v. CCSF, et al., Case No. USDC No. C97-4614 PJH

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 13, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance

2. Roll Call

3. Discussion and Vote on whether to Disclose Discussion and Disclosure of Action taken in Closed Session

4. Approval of Consent Calendar

5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Anthony M. Montoya, Southern (File No. C98-170 JWA)

6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Edgar A. Gonzalez, Operations (File No. C98-171 JWA)\

7. Police Commission Announcements
   a. Motion of Calendaring of New Items

8. Chief's Announcements and Review of Recent Department Events

9. OCC Director's Report re: Staffing and Budget and Summary of Recent Events

10. Appointment of Assistant Patrol Special Officer Robert Burns to Patrol Special Officer

11. Request of the Chief of Police for Approval for the San Francisco Police Department to enter into a Sublease Agreement with the San Francisco Redevelopment Agency for the Use of Certain Property Adjacent to Building 606 at the Hunters Point Naval Shipyard as a Helicopter Landing Pad

12. Public Comments
    (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 13, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept donations of Thirteen (13) Colt Rifles for used of the San Francisco Police Department. Donations are from Sergeant Al Wong, Inspector Michael Gaynor, Officers Peter Ma, Robert K. Lee, John Tack, Walter Miranda, Tony Ng, Nicholas Rainsford, Ray Luk, Harry Lum, David Collins, Marc Chan, and Wade D. Bailey

2. Request of the Chief of Police for Approval to Accept Donation of a FAXPHONE from Canon Computer, valued at approximately $250, to be utilized by the Juvenile Division

3. Recommendation of the City Attorney for Settlement of the following claim:

   a. Simca Harris v. CCSF, et al., Case No. USDC No. C97-4614 PJH

*There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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JANUARY 13, 1999 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

a. Simca Harris v. CCSF, et al., Case No. USDC No. C97-4614 PJH

PRESENT: Commissioners Herrera, Chan, Perry
ABSENT: Commissioner Norman

JANUARY 13, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Perry

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION

The Commission voted not to disclose discussion of action taken in Closed Session.

AYES: Commissioners Herrera, Chan, Norman, Perry

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 9-99

APPROVAL TO ACCEPT DONATIONS OF THIRTEEN (13) COLT RIFLES FOR USED OF THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept thirteen (13) Colt Rifles, each valued at approximately $850.00, for used of the San Francisco Police Department.

Donations were made by:

Sergeant Al Wong	Serial #LBD003925
Inspector Michael Gaynor	Serial #BD02874
Officer Peter Ma	Serial #LBD004839
Officer Robert K. Lee	Serial #LBD002453
Officer John Tack	Serial #LBD003760
Officer Walter Miranda	Serial #LBD005773
Officer Tony Ng	Serial #LBD006977
Officer Nicholas Rainsford	Serial #LBD002169
Officer Ray Luk	Serial #LBD003326
Officer Harry Lum	Serial #LBD003995
Officer David Collins	Serial #LBD003785
Officer Wade D. Bailey	Serial #LBD004359
Officer Marc Chan	Serial #LBD004349

AYES: Commissioners Herrera, Chan, Norman, Perry

RESOLUTION NO. 10-99

APPROVAL TO ACCEPT DONATION OF A FAXPHONE FROM CANON COMPUTER, VALUED AT APPROXIMATELY $250, TO BE UTILIZED BY THE JUVENILE DIVISION

RESOLVED, that the Commission hereby approves request of the Chief of Police to accept donation of a faxphone from Canon Computer, valued at approximately $250.00, to be utilized by the Juvenile Division.

AYES: Commissioners Herrera, Chan, Norman, Perry

RESOLUTION NO. 11-99

SIMCA HARRIS v. CCSF, et al.

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Simca Harris vs. City and County of San Francisco, et al." in United District Court No. C97-4614, be, and the same is hereby approved.

Date of Incident: November 13, 1994

AYES: Commissioners Herrera, Chan, Norman, Perry

RESOLUTION NO. 12-99

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER ANTHONY M. MONTOYA, SOUTHERN (FILE NO. C98-170 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Anthony M. Montoya, Star No. 1522, Southern, was called it having been set for this date; and

WHEREAS, Commissioner Dennis Herrera is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Montoya; therefore be it

RESOLVED, that Commissioner Herrera is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Anthony M. Montoya, and is to be set at a later date.

AYES: Commissioners Herrera, Chan, Norman, Perry

RESOLUTION NO. 13-99

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER EDGAR A. GONZALEZ, OPERATIONS (FILE NO. C98-171 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Edgar A. Gonzalez, Star No. 687, Operations, was called it having been set for this date; and

WHEREAS, Commissioner Dennis Herrera is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Gonzalez; therefore be it

RESOLVED, that Commissioner Herrera is hereby assigned to conduct

taking of evidence in the disciplinary charges filed against Officer Edgar A. Gonzalez, and is to be set at a later date.

AYES: Commissioners Herrera, Chan, Norman, Perry

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Herrera stated that he'll be out of town from January 17th through the 24th and will not be present for the meeting of the 20th.

Commissioner Herrera asked Commissioner Perry regarding pepper spray meeting with the OCC scheduled for next week and requested that a report be made for the meeting of the 26th.

Commissioner Herrera appointed Commissioner Perry as liaison to OCC with emphasis on policy recommendations.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau discussed appointments and training of new inspectors and stated Promotional Ceremony scheduled for 2/26/99.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

None

RESOLUTION NO. 14-99

APPOINTMENT OF ASSISTANT PATROL SPECIAL OFFICER ROBERT BURNS TO PATROL SPECIAL OFFICER

RESOLVED, that the Police Commissioner hereby appoints Assistant Patrol Special Officer Robert Burns to Patrol Special Officer.

AYES: Commissioner Herrera, Chan, Norman, Perry

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL FOR THE SAN FRANCISCO POLICE DEPARTMENT TO ENTER INTO A SUBLEASE AGREEMENT WITH THE SAN FRANCISCO REDEVELOPMENT AGENCY FOR THE USE OF CERTAIN PROPERTY ADJACENT TO BUILDING 606 AT THE HUNTERS POINT NAVAL SHIPYARD AS A HELICOPTER LANDING PAD

Tabled

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 20, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Malcolm S. Fong, Richmond (File No. JR C98-282)
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 20, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept donations of Eight (8) Colt Rifles for used of the San Francisco Police Department. Donations are from Officers John Colla, Teresa Ewins, George Ferraez, Damon Keeve, Benny Fong, Michael Robinson, Timothy Yee, and John Zakos

2. Request of the Chief of Police for Approval to Accept donation of an Obstacle Course for the Canine Unit from Mr. Rod Hughes, valued at approximately $2,400.00

There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING
WEDNESDAY, JANUARY 20, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505
San Francisco, California

The Police Commission Regular Meeting scheduled for Wednesday, January 20, 1999, has been canceled in memory of Captain George Stasko. The next Regular Meeting will be on Wednesday, January 27, 1999, at 5:30 p.m., Thomas J. Cahill Hall of Justice, Room 551.

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

JAN. -19. 99 (WED) 11:26 POLICE COMMISSION TEL:415 553 1669 P. 002

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 27, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Malcolm S. Fong, Richmond (File No. JR C98-282)
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Request of the Chief of Police for Approval of a Supplemental Appropriation in the amount of $20,000 to Provide Funding for the "Peaceful Streets Program"
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

CONNIE PERRY
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LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 27, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept donations of Eight (8) Colt Rifles for used of the San Francisco Police Department. Donations are from Officers John Colla, Teresa Ewins, George Ferraez, Damon Keeve, Benny Fong, Michael Robinson, Timothy Yee, and John Zakos

2. Request of the Chief of Police for Approval to Accept donation of an Obstacle Course for the Canine Unit from Mr. Rod Hughes, valued at approximately $2,400.00

There will be Public Comments on any item before or during discussion of each item.

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JANUARY 27, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Norman, Perry, Friday
ABSENT: Commissioner Chan

APPROVAL OF CONSENT CALENDAR

RESOLUTION 15-99

APPROVAL TO ACCEPT DONATIONS OF EIGHT (8) COLT RIFLES FOR USED OF THE SAN FRANCISCO POLICE DEPARTMENT. DONATIONS ARE FROM OFFICERS JOHN COLLA, TERESA EWINS, GEORGE FERRAEZ, DAMON KEEVE, BENNY FONG, MICHAEL ROBINSON, TIMOTHY YEE, AND JOHN ZAKOS

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept eight (8) Colt Rifles, each valued at approximately $850.00, for used of the San Francisco Police Department.

Donations were made by:

Officer John Colla	Serial #BD001208
Officer Teresa Ewins	Serial #LBD003859
Officer George Ferraez	Serial #LBD003558
Officer Damon Keeve	Serial #LBD002299
Officer Benny Fong	Serial #LBD001916
Officer Michael Robinson	Serial #LBD003843
Officer Timothy Yee	Serial #BD002392
Officer John Zakos	Serial #LBD002380

AYES: Commissioners Herrera, Norman, Perry, Friday
ABSENT: Commissioner Chan

RESOLUTION NO. 16-99

APPROVAL TO ACCEPT DONATION FROM MR. ROD HUGHES OF AN OBSTACLE COURSE FOR THE CANINE UNIT, VALUED AT APPROXIMATELY $2,400.00

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept a donation from Mr. Rod Hughes of an obstacle course, valued at approximately $2,400.00, for the use of the Canine Unit.

AYES: Commissioners Herrera, Norman, Perry, Friday
ABSENT: Commissioner Chan

RESOLUTION NO. 17-99

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER MALCOLM S. FONG, MEDICAL LIAISON (FILE NOS. JR C98- 282)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Malcolm S. Fong, Star No. 659, Medical Liaison, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct

taking of evidence in the disciplinary charges filed against Officer Fong; therefore be it

RESOLVED, that Commissioner Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Malcolm S. Fong and is to be set at a later date.

AYES: Commissioners Herrera, Norman, Perry, Friday
ABSENT: Commissioner Chan

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Herrera welcomed Commissioner Friday.

Commissioner Herrera asked that quarterly report regarding Muni be calendared and also asked for report regarding pepper spray..

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

None

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap welcomed Commissioner Friday. She went on to discuss one vacancy for Senior Investigator and that River Ginchild-Abeje will be going through Academy.

RESOLUTION NO. 18-99

APPROVAL OF SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $20,000, TO PROVIDE FUNDING FOR THE "PEACEFUL STREETS PROGRAM"

WHEREAS, the "Peaceful Street Program" is an ongoing non-profit program; and

WHEREAS, the program is focused on crime prevention and anti-gun violence in elementary schools; be it therefore

RESOLVED, that the Police Commission hereby approves a supplemental appropriation in the amount of $20,000 (Appendix II) to provide funding for the Peaceful Streets Program.

AYES: Commissioners Herrera, Norman, Perry, Friday
ABSENT: Commissioner Chan

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 5:45 p.m.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 3, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Discussion and Action re: San Francisco Police Commission Rules of Order
7. Status Report re: Community Policing
8. Status Report re: Education and Training
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

****There will be Public Comments on any item before or during discussion of each item.***

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FEBRUARY 3, 1999 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Perry, Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Friday asked the Chief regarding smoking in bars enforcement.

Commander Santos updated the Commission regarding Department enforcement.

Commissioner Norman asked regarding Department of Alcohol Beverage Control input and responsibilities.

Commissioner Herrera asked that the matter be calendared at a later date to update the Commission regarding enforcement. Commissioner Herrera appointed Commissioner Friday as liaison for the Inspectors Bureau and Commissioner Norman as liaison for FOB.

District meeting at Central Station on 2/24/99.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders briefed the Commission regarding Captain Stasko investigation and that the case will be investigation thoroughly.

Commissioner Norman asked regarding programs for members regarding alcohol problems. Deputy Chief Welch responded.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap stated staffing is fine.

DISCUSSION AND ACTION RE: SAN FRANCISCO POLICE COMMISSION RULES OF ORDER

Over one week to February 10th.

STATUS REPORT RE: COMMUNITY POLICING

Officer Jeff Barry presented Community Policing Report.

Commissioner Herrera asked for quarterly report updates on Community Policing.

STATUS REPORT RE: EDUCATION AND TRAINING

Captain Dan Lawson updated the Commission regarding Education and Training.

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 6:40 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 10, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Discussion and Action re: San Francisco Police Commission Rules of Order
8. Request of the Chief of Police for Approval for the San Francisco Police Department to enter into a Sublease Agreement with the San Francisco Redevelopment Agency for the use of Certain Property Adjacent to Building 606 at the Hunters Point Naval Shipyard as a Helicopter Landing Pad
9. Request of the Chief of Police for Airport Bureau Members to Participate in a Pilot Program to use Automatic External Defibrillators
10. Public Comments
    (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
11. Hearing and Disposition on the Appeal of the Chief's Suspension of Officer Candace Fukunaga, Ingleside (File No. DMC D97-222)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 10, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept donations of Two (2) Colt Rifles for used of the San Francisco Police Department. Donations are from Officers Warren Lee and Mark Donzelli

**There will be Public Comments on any item before or during discussion of each item.*

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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FEBRUARY 10, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:33 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Perry, Friday

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 19-99

APPROVAL TO ACCEPT DONATIONS OF TWO (2) COLT RIFLES FOR USED OF THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED. that the Police Commission hereby approves request of the Chief of Police to accept two (2) Colt Rifles, each valued at approximately $850.00, for used of the San Francisco Police Department.

Donations were made by Officer Warren Lee, Serial No. LBD002419, and Officer Mark Donzelli, Serial No. LBD007414.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

None

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders discussed Interim CAD and Q-60 test.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap discussed comparison of civilian complaints with other major departments. She further discussed OCC case load is large for amount of staff and stated that OCC's process in San Francisco works well as compared to other departments which is not as effective.

DISCUSSION AND ACTION RE: SAN FRANCISCO POLICE COMMISSION RULES OF ORDER

Put over one week.

RESOLUTION NO. 20-99

APPROVAL FOR THE SAN FRANCISCO POLICE DEPARTMENT TO ENTER INTO A SUBLEASE AGREEMENT WITH THE SAN FRANCISCO REDEVELOPMENT AGENCY FOR THE USE OF CERTAIN PROPERTY ADJACENT TO BUILDING 606 AT THE HUNTERS POINT NAVAL SHIPYARD AS A HELICOPTER LANDING PAD

RESOLVED, that the Police Commission hereby approves request of the Chief of Police for the San Francisco Police Department to enter into a sublease agreement with the San Francisco Redevelopment Agency for the use of certain property adjacent to Building 606 at the Hunters Point Naval Shipyard as a helicopter landing pad.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

RESOLUTION NO. 21-99

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE FOR AIRPORT BUREAU MEMBERS TO PARTICIPATE IN A PILOT PROGRAM TO USE AUTOMATIC EXTERNAL DEFIBRILLATORS

WHEREAS, the San Franciseo International Airport is partieipating in a pilot program to equip the seven major boarding areas with Automatie External Defibrillators (AEDs); and

WHEREAS, the Airport Administration and the San Francisco Fire Department are requesting that Airport Bureau Officers be trained on the use of these AEDs; therefore, be it

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police for Airport Bureau Officers to partieipate in this pilot program.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

PUBLIC COMMENTS

None

HEARING AND DISPOSITION ON THE APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER CANDACE FUKUNAGA, INGLESIDE (FILE NO. DMC D97-222)

Offieer Fukunaga requested for council. Case remanded to Commissioner Perry to obtain council and Commissioner Perry ordered that a motion, in writing, by Officer Fukunaga be submitted to the Commission as soon as possible, within 10 days.

Matter put over at a later date.

Thereafter, the meeting was adjourned.

_____

Lieutenant Manuel Barretta
Seeretary
THE POLICE COMMISSION

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The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
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SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING
WEDNESDAY, FEBRUARY 17, 1999
5:00 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505
San Francisco, California

1. Roll Call

2. Public Comment on all matters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with legal counsel. (San Francisco Administrative Code section 67.11(a).)

4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code section 67.11(b).

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigations

   a. Yellow Cab Cooperative, Inc. v. Board of Appeals, et al, San Francisco Superior Court No. 995-839

      Luxor Cabs, Inc. v. San Francisco Police Commission, San Francisco Superior Court No. 995-896

   b. American-Arab Anti-Discrimination Committee, et al. v. Anti-Defamation League, B'nai B'rith, Irwin Suall, Roy Bullock Tom Gerard, County of Los Angeles, City and County of San Francisco, County of San Diego, No. 93-6358-RAP

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 17, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on whether to Disclose Discussion and Disclosure of Action taken in Closed Session
4. Approval of Consent Calendar
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Discussion and Action re: Proposed OCC Budget, Fiscal Year 99/00
9. Discussion and Action re: San Francisco Police Commission Rules of Order
10. Discussion and Action re: Proposed SFPD Budget, Fiscal Year 99/00
11. Public Comments
    (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
12. Hearing and Disposition on Disciplinary Charges filed against Officer Gary M. Fagundes, Traffic Division (File Nos. BSK C56-032 & BSK C56-099)

****There will be Public Comments on any item before or during discussion of each item.***

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 17, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the Chief of Police for Approval of Taxicab Permits and Ramped Taxicab Permits for the following Individuals, Conditional Upon the Applicants Completing the Submission of All Appropriate Documentation and that Actual Operation of the Permit begins within Ninety (90) days from the Date of Approval:

   Taxicab Permits:

Martha Barakah	Mohsen Barakah	Mohamed Bathai	Jay Bouwman
Michael Burns	Tommy Chang	Luis de Olazara	Hee Dung
Steven Goldstein	Mark Gruberg	Stephen Kessler	Taft Loo
Terance Murphy	Antal Marjai	James Newsome	Domingo Opulencia
Gorodejsky Ovsey	Mohammed Shirazi	James Lam	
Viboon Vannakitlkun	Athahasious Sakellaroupoulous		

   Ramped Taxicab Permits:

Daryoush Amirehsani	Anatoly Belilovsky	Amrik Bhandal	Seifu Daba
Michael Callahan	Ralph Conforti	James Cortesos	Francis Fox
Norma Greer	Robert Haroutunian	Thai Hong	Khalil Jaser
Samuel Kaplowitz	Dennis Korkos	Tommy Kwong	To Lam
Howard Leeder	Lonnie Pasquini	Majamal Qhurshred	
William Qutami	Michael Rothstein	Michael Sealy	
Emad Shehadeh	Peter Shu	Peter Sword	Golam Syed
Steven Szerennsi	Lonnie Pasquinni	Fadel Zaru	Ron Wolter

2. Recommendation of the City Attorney for Settlement of the following claims:

   a. Yellow Cab Cooperative, Inc. v. Board of Appeals, et al, San Francisco Superior Court No. 995-839

      Luxor Cabs, Inc. v. San Francisco Police Commission, San Francisco Superior Court No. 995-896

   b. American-Arab Anti-Discrimination Committee, et al. v. Anti-Defamation League, B'nai B'rith, Irwin Suall, Roy Bullock Tom Gerard, County of Los Angeles, City and County of San Francisco, County of San Diego, No. 93-6358-RAP

FEBRUARY 17, 1999 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:05 p.m., in Closed Session.

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

a. Yellow Cab Cooperative, Inc. v. Board of Appeals, et al, San Francisco Superior Court No. 995-839

Luxor Cabs, Inc., v. San Francisco Police Commission, San Francisco Superior Court No. 995-896

b. American-Arab Anti-Discrimination Committee, et al. v. Anti-Defamation league, B'nai B'rith, Irwin Suall, Roy Bullock, Tom Gerard, County of Los Angeles, City and County of San Francisco, County of San Diego, No. 93-6358-RAP

PRESENT: Commissioners Herrera, Chan, Friday
ABSENT: Commissioners Norman, Perry

FEBRUARY 17, 1999 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Perry, Friday

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION

The Commission voted not to disclosed discussion or action taken in Closed Session.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 22-99

APPROVAL OF TAXICAB OWNER'S PERMITS

WHEREAS, the Police Commission, on September 4, 1996, as per Resolution No. 151-96, declared that Public Convenience and Necessity requires the issuance of 100 additional taxicab permits; therefore be it

RESOLVED, that the following individuals, based on their applications and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and are hereby granted to the following individuals, conditional upon the applicants completing the submission of all appropriate documentation and that actual operation of the permit begins with ninety (90) days from the date of approval:

Taxi Permits:
Martha Barakah, Mohsen Barakah, Mohamed Bathai, Jay Bouwman, Michael Burns, Tommy Chang, Luis de Olazara, Hee Dung, Steven Goldstein, Mark Gruberg, Stephen Kessler, Taft Loo, Terance Murphy, Antal Marjai, James Newsome, James Lam, Domingo Opulencia, Gorodejsky Ovsey, Mohammed

Shirazi, Viboon Vannkitlkun, Athahasious Sakellaroupoulous

Ramped Taxieab Permits:
Daryoush Amirehsani, Anatoly Belilovsky, Amrik Bhandal, Seifu Daba, Michael Callahan, Ralph Conforti, James Cortesos, Franeis Fox, Norma Geer, Robert Haroutunian, Thai Hong, Khalil Jaser, Samuel Kaplowitz, Dennis Korkos, Tommy Kwong, To Lam, Howard Leeder, Lonnie Pasquini, Majamal Qhurshred, Michael Sealy, William Qutami, Miehael Rothstein, Emad Shehadeh, Peter Shu, Peter Sword, Golam Syed, Steven Szerennsi, Fadel Zaro, Ron Wolter

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

RESOLUTION NO. 23-99

YELLOW CAB COOPERATIVE, INC. V. BOARD OF APPEALS, ET AL. LUXOR CABS, INC. V. SAN FRANCISCO POLICE COMMISSION

RESOLVED, that the reeommendation of the City Attorney for settlement of the litigations of "Yellow Cab Cooperative, Ine. v. Board of Appeals, et. al.," in San Francisco Superior Court No. 955-839, and "Luxor Cabs, Inc. v. San Franeiseo Poliee Commission," in San Franciseo Superior Court No. 995-896, be, and the same is hereby approved.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

RESOLUTION NO. 24-99

AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE, ET AL V. ANTI-DEFAMATION LEAGUE, B'NAI B'RITH, IRWIN SUAL, ROY BULLOCK, TOM GERARD, COUNTY OF LOS ANGELES, CITY AND COUNTY OF SAN FRANCISCO, COUNTY OF SAN DIEGO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigations of "American-Arab Anti-Discrimination Committee, et al. v. Anti-Defamation league, B'nai B'rith, Irwin Suall, Roy Bulloek, Tom Gerard, County of Los Angeles, City and County of San Franeisco, County of San Diego, No. 93-6358-RAP, be, and the same is hereby approved.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

The Commission announced meeting on 2/24/99 will be in the Central Distriet, Jean Parker Sehool, 840 Broadway.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Deputy Chief Weleh, for Chief Lau, recognized Offieer Farrell Suslow for his serviees in the Taxi Detail. Chief Weleh also reeognized Offieer Tom Strong for his efforts in the last 20 years working on the budget.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

None

RESOLUTION NO. 25-99

APPROVAL OF PROPOSED OCC BUDGET FOR FY 99/00

RESOLVED, that the Police Commission hereby approves proposed

OCC Budget for fiscal year 99/00.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

RESOLUTION NO. 26-99

APPROVAL OF THE SAN FRANCISCO POLICE COMMISSION RULES OF ORDER

RESOLVED, that the Police Commissioner hereby approves the San Francisco Police Commission Rules of Order.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

RESOLUTION NO. 27-99

APPROVAL OF PROPOSED SFPD BUDGET FOR FY 99/00

RESOLVED, that the Police Commission hereby approves proposed SFPD Budget for fiscal year 99/00.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

PUBLIC COMMENTS

Kirk Clashman discussed and supports smoking enforcement.
Robert Gordon discussed and supports smoking enforcement.
Steve supports smoking enforcement.
Barry Toronto discussed officers dealing with cab drivers.

RESOLUTION NO. 28-99

DISPOSITION OF DISCIPLINARY CHARGES FILED AGAINST OFFICER GARY M. FAGUNDES, TRAFFIC DIVISION (FILE NOS. BSK C56-032 & BSK C56-099)

WHEREAS, the Office of Citizen Complaints requests that the Police Commission dismiss the pending charges in the matter of Officer Gary M. Fagundes, Star No. 1003, File No. BSK C56-032;

WHEREAS, Chief of Police Fred H. Lau requests that the disciplinary charges filed against Officer Gary M. Fagundes, File No. BSK C56-099, be withdrawn and that it will be handled administratively; therefore be it

RESOLVED, that the disciplinary charges filed against Officer Gary M. Fagundes I file No. BSK C56-032 are dismissed and that disciplinary charges filed against Officer Gary M. Fagundes in File No. BSK C57-099 are withdrawn and will be handled administratively; and

FURTHER RESOLVED, that disciplinary charges filed against Officer Gary M. Fagundes, Traffic Division, File Nos. BSK C56-032 and BSK C56-099 are hereby taken off calendar.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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THE
SAN FRANCISCO POLICE COMMISSION
AND
CENTRAL POLICE STATION
CORDIALLY INVITE YOU TO ATTEND
THE
MONTHLY MEETING
OF
THE SAN FRANCISCO POLICE COMMISSION

Wednesday, February 24, 1999
Jean Parker Elementary School
840 Broadway Street @ Powell

TIME 6:00PM

Come and meet the SAN FRANCISCO POLICE COMMISSION.
There will be a public comment session during the meeting.
For more information please contact
Officer Richard Van Winkle
553-1529
Please invite your neighbors

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 24, 1999
6:00 p.m.

CENTRAL DISTRICT
Jean Parker Elementary School
840 Broadway Street at Powell
San Francisco

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Patrick J. Cesari, Northern Station (File No. C98-203 JWA)
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
8. Captain John Goldberg, Commanding Officer of Central Station, to address the Commission on Police Activities in the Central District
9. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

** There will be Public Comments on any item before or during discussion of each item.*

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 24, 1999
6:00 p.m.

CENTRAL DISTRICT
Jean Parker Elementary School
840 Broadway Street at Powell
San Francisco

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to accept donation of two (2) Colt Rifles, from Officers Kenneth Koenig and Dominic Yin, for use of the San Francisco Police Department

2. Request of the Chief of Police for Approval of a Ramped Taxicab Permit for Mr. Aaron King

FEBRUARY 24, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Central District at Jean Parker Elementary School, 840 Broadway Street, San Francisco, at 6:05 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Norman, Perry, Friday
ABSENT: Commissioner Chan

APPROVAL OF CONSENT CALENDAR

RESOLUTION 29-99

APPROVAL TO ACCEPT DONATIONS OF TWO (2) COLT RIFLES FOR USE OF THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept nine (9) Colt Rifles, each valued at approximately $850.00, for use of the San Francisco Police Department.

Donations were made by:

Officer Kenneth Koenig, Serial No. LBD003755
Officer Dominic Yin, Serial No. LBD002533

AYES: Commissioners Herrera, Norman, Perry, Friday
ABSENT: Commissioner Chan

RESOLUTION NO. 30-99

APPROVAL OF RAMPED TAXICAB OWNER'S PERMIT

WHEREAS, the Police Commission, on September 4, 1996, as per Resolution No. 151-96, declared that Public Convenience and Necessity requires the issuance of 100 additional taxicab permits; therefore be it

RESOLVED, that Aaron King, based on his application and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and are hereby granted to the following Aaron King.

AYES: Commissioners Herrera, Norman, Perry, Friday
ABSENT: Commissioner Chan

RESOLUTION NO. 31-99

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER PATRICK J. CESARI, NORTHERN STATION (FILE NO. C98-203 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Patrick J. Cesari, Star No. 1645, Northern, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Cesari; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Patrick J. Cesari, and is to be set at a later date.

AYES: Commissioners Herrera, Norman, Perry, Friday
ABSENT: Commissioner Chan

POLICE COMMISSION ANNOUNCEMENTS

a. **Motion of Calendaring of New Items**

Commissioner Herrera welcomed the audience to the meeting and introduced the Commissioners. Commissioners Perry, Friday, and Norman addressed the audience.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders, for Chief Lau, updated the Commission regarding investigation into hate crimes from two weeks ago. He also introduced Deputy Chiefs Welch, Holder, Pengel, and Commanders Fong and Pisciotto.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET, AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap greeted and informed the audience of duties and responsibilities of the Office of Citizen Complaints.

CAPTAIN JOHN GOLDBERG, COMMANDING OFFICER OF CENTRAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE CENTRAL DISTRICT

Captain Goldberg greeted the audience and the Commission and introduced the staff. The captain briefed the Commission regarding district and police activities presently ongoing in the Central District.

Dr. Karen Colvin, S.F. State University, discussed study of officers using laptop computer.

Commissioner Norman inquired regarding property for the new Central Station.

PUBLIC COMMENTS

Marsha Garland, President North Beach Association, asked for more police and discussed homeless and New Years Eve 2000.

Robert Garcia, President Save Our Streets Association, thanked Captain Goldberg and discussed prostitution and drugs.

David Overdoff, Hyde Street resident, discussed concerns regarding prostitution.

Thereafter, the meeting was adjourned at 7:10 p.m.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
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Vice President

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CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING
WEDNESDAY, MARCH 3, 1999
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505
San Francisco, California

1. Roll Call

2. Public Comment on all matters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with legal counsel. (San Francisco Administrative Code section 67.11(a).)

4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code section 67.11(b).

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

   a. Fagundes vs. CCSF, Superior Court No. 997-009

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 3, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance

2. Roll Call

3. Discussion and Vote on whether to Disclose Discussion and Disclosure of Action taken in Closed Session

4. Approval of Consent Calendar

5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Additional Disciplinary Charges Filed Against Officer Malcolm S. Fong, Medical Liaison (File No. C98-127 JWA)

6. Police Commission Announcements
   a. Motion of Calendaring of New Items
   b. Withdrawal of Appeal of the Chief's Suspension of Officer Candace Fukunaga, Ingleside (File No. DMC D97-222)

7. Chief's Announcements and Review of Recent Department Events

8. OCC Director's Report re: Staffing and Budget and Summary of Recent Events

9. Presentation of OCC's 1998 Annual Report and Statistical Reports for October and November 1998

10. Request of the Chief of Police for Approval of a Supplemental Appropriation in the Amount of $1,413,563 to Provide Additional Funding for Workers' Compensation, Completion of the Crime Laboratory, and the Addition of Three (3) New Criminalist Positions

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 3, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

11. Public Comments
(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

12. Hearing and Disposition on Disciplinary Charges filed against Officer James S. Acevedo, Southern (File No. C56-054 RLC)

13. Hearing and Disposition on Disciplinary Charges filed against Sergeant Johnny Velasquez, Central (File No. 147-94 BSK)

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claim:

   a. Fagundes vs. CCSF, Superior Court No. 997-009

There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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MARCH 3, 1999 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

a. Fagundes vs. CCSF, Superior Court No. 997-009

PRESENT: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

MARCH 3, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION

The Commission voted not to disclose discussion or action taken in Closed Session.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 32-98 (AMENDED)

OFFICER GARY FAGUNDES vs. CCSF

WHEREAS, charges filed with the Police Commission have been dismissed and referred back to Chief of Police Fred H. Lau to be handled administratively; and

WHEREAS, Officer Gary Fagundes has filed action in Superior Court (Fagundes vs. CCSF, Superior Court No. 997-009); and

WHEREAS, Officer Gary Fagundes and Management Control Division have agreed to three (3) months back pay pursuant to Charter Section 8.344; and

WHEREAS, Officer Gary Fagundes has agreed to dismiss Superior Court action Superior Court No. 997-009; therefore be it

RESOLVED, that pursuant to Charter Section 8.344, the Police Commission does hereby approve back pay of ninety (90) days, **April 6, 1997 through July 4, 1997,** for Officer Gary Fagundes

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

RESOLUTION NO. 33-99

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR

TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER MALCOLM S. FONG, MEDICAL LIAISON (FILE NO. C98-127 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Malcolm S. Fong, Star No. 659, Medical Liaison, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Fong; therefore be it

RESOLVED, that Commissioner Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Malcolm S. Fong and is to be set at a later date.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

POLICE COMMISSION ANNOUNCEMENTS

a. **Motion of Calendaring of New Items**
b. **Withdrawal of Appeal of the Chief's Suspension of Officer Candace Fukunaga, Ingleside (File No. DMC D97-222)**

No announcements. Commissioner Friday asked the Chief to review the no smoking enforcement.

RESOLUTION 34-99

WITHDRAWAL OF APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER CANDACE FUKUNAGA, INGLESIDE (FILE NO. DMC D97-222)

WHEREAS, a memorandum was received from Officer Candace Fukunaga, on February 18, 1999, requesting withdrawal of her appeal of the Chief's suspension; therefore be it

RESOLVED. that the request of Officer Fukunaga for withdrawal of her appeal of the Chief's suspension is hereby approved.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau discussed numerous special events during the past weeks and allocation of resources during visits.

Commissioner Herrera commended the Department on handling f visits of the President and Vice President.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap presented certificate of appreciation to Commissioner Sidney Chan.

PRESENTATION OF OCC'S 1998 ANNUAL REPORT AND STATISTICAL REPORTS FOR OCTOBER AND NOVEMBER 1998

Director Dunlap presented Annual Report and discussed speedy

hearings against officers.

RESOLUTION 35-99

APPROVAL OF SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $1,413,573 TO PROVIDE ADDITIONAL FUNDING FOR WORKERS' COMPENSATION, COMPLETION OF THE CRIME LABORATORY, AND THE ADDITION OF THREE (3) NEW CRIMINALIST POSITIONS

WHEREAS, the City's Workers' Compensation Division has projected a $1,000,000 deficit and;

WHEREAS, $413,563 in additional funds to complete the Crime Laboratory and add three (3) new Criminalist positions; be it therefore

RESOLVED, that the Police Commission hereby approves a supplemental appropriation in the amount of $1,413,563 to fund Workers' Compensation, complete the new Crime Laboratory, and add three (3) new Criminalist positions.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

PUBLIC COMMENTS

Daniel Paez discussed concerns.

RESOLUTION 36-99

DISPOSITION ON DISCIPLINARY CHARGES FILED AGAINST OFFICER JAMES S. ACEVEDO, SOUTHERN (FILE NO. C56-054 RLC)

WHEREAS, Chief of Police Fred H. Lau requests that the disciplinary charges filed against Officer James S. Acevedo, Star No. 755, be dismissed; therefore be it

RESOLVED, that the disciplinary charges filed against Officer James S. Acevedo in File No. C56-054 RLC are dismissed and are hereby taken off calendar.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

RESOLUTION NO. 37-99

DISPOSITION ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT JOHNNY VELASQUEZ, CENTRAL (FILE NO. 147-94 BSK)

WHEREAS, the Office of Citizen Complaints has recommended to the Chief of Police that the pending charges filed against Sergeant Johnny Velasquez, Star No. 742, be dismissed; and

WHEREAS, the Chief of Police has requested that the Police Commission dismiss the pending charges in the matter of Sergeant Johnny Velasquez, Central Station, File No. 147-94 BSK; therefore be it

RESOLVED, that the disciplinary charges filed against Sergeant Johnny Velasquez, File No. 147-94 BSK, are dismissed and are hereby taken off calendar.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

Thereafter, the meeting was adjourned.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

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Secretary

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 10, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Discussion and Action re: Back pay for Officer James Acevedo
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

****There will be Public Comments on any item before or during discussion of each item.***

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 10, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the Chief of Police to Accept Donation of three (3) Stage Versa Climber, valued at $5,000, from Mr. C. John Gourgott, owner of World Gym of Corte Madera, for use at the Mission Police Station

**There will be Public Comments on any item before or during discussion of each item.*

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MARCH 10, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Perry, Friday

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 38-99

APPROVAL TO ACCEPT DONATION OF THREE (3) STAGE VERSA CLIMBER, VALUED AT $5,000, FROM MR. C. JOHN GOURGOTT, OWNER OF WORLD GYM OF CORTE MADERA, FOR USE AT THE MISSION POLICE STATION

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept three (3) Stage Versa Climbers, valued at $5,000, from Mr. C. John Gourgott, owner of World Gym of Corte Madera, for use at the Mission Police Station.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

POLICE COMMISSION ANNOUNCEMENTS

a. **Motion of Calendaring of New Items**

Commissioner Perry announced she met with the POA and the OCC yesterday and will be meeting monthly in the future.

Commissioner Norman stated she'll be out of town on March 24th.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Deputy Chief Welch for Chief Lau updated the Commission on department events.

Deputy Chief Holder briefed the Commission regarding February 10th incident of possible hate crime; four warrants arrests and three arrested today.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap presented Commissioner Norman with Certificate of Appreciation. She also stated that three senior investigators were appointed.

RESOLUTION NO. 39-99

APPROVAL FOR BACK PAY FOR OFFICER JAMES ACEVEDO

WHEREAS, former Chief of Police Anthony D. Ribera filed charges against Officer James Acevedo on October 3, 1995;

WHEREAS, former Chief of Police Ribera suspended Officer Acevedo on September 28, 1995 pending a hearing a before the Commission and at a Chief's administrative hearing on October 5, 1995, the officer's suspension was continued;

WHEREAS, on a letter dated May 7, 1997, Chief of Police Fred H. Lau ordered that Officer Acevedo return to duty effective 0001 hours on May 8, 1997;

WHEREAS, on March 4, 1999, Chief of Police Fred H. Lau requested

that the disciplinary charges filed against Officer Acevedo be dismissed; therefore be it resolved

RESOLVED, that the Police Commission approves that Officer James S. Acevedo be granted back pay for the time that he was suspended from September 28, 1995 to May 7, 1997.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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SAN FRANCISCO POLICE COMMISSION AGENDA

/99

REGULAR MEETING
WEDNESDAY, MARCH 17, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Presentation by the OCC of the Annual Report on Department General Order 8.10, "Guidelines for First Amendment Activities"
7. Discussion and Action re: Memorandum of Understanding between the Recreation and Park Department and the San Francisco Police Department
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
9. Hearing and Disposition on Disciplinary Charges filed against Officer E.R. Balinton, Teleserve (File Nos. C96-178[330] JWA, C97-223 DTC & C97-252 JWA)

There will be Public Comments on any item before or during discussion of each item.

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MARCH 17, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Perry, Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

District meeting of March 24th will be in the Mission District. No meeting on the 31st.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau notified employee organizations that he will be appointing one lieutenant, 8 sergeants, and five assistant inspectors.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap stated that there's one vacant investigator position.

PRESENTATION BY THE OCC OF THE ANNUAL REPORT ON DEPARTMENT GENERAL ORDER 8.10, "GUIDELINES FOR FIRST AMENDMENT ACTIVITIES"

OCC's Chief Investigator Donna Medley presented report.

RESOLUTION NO. 40-98

APPROVAL OF MOU BETWEEN THE RECREATION AND PARK DEPARTMENT AND THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police for an MOU between the Recreation and Park Department and the San Francisco Police Department for use of the Glen Canyon Park Rope Course.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

PUBLIC COMMENTS

Bob Planthold discussed pedestrian killed in city this past year and asked for additional staffing for traffic detail.

Joseph Browning supports Officer Balinton.
George Lee, Pastor, supports Officer Balinton.
Unidentified, resident Bayview District, supports Balinton.
Kenneth Martin supports Balinton.
Hazel King supports Balinton.
Lt. Greg Corrales supports Balinton.
Minnie Ward supports Balinton.
Michael supports Balinton.
Hans Anderson, retired inspector, supports Balinton.
Kevin Williams supports Balinton.
Larry Murray, attorney, supports Balinton.
Sgt. Con Johnson supports Balinton.
Sgt. William Scott supports Balinton.
Sgt. John Sanford supports Balinton.

Doris Machen supports Balinton.
Lefty Gordon supports Balinton.
Inspector Marion Jackson, OFJ President, supports Balinton.
Sgt. Michael Ali supports Balinton.
Unidentified supports Balinton.
Inspector Julian Hill supports Balinton.
Damone Hale, Attorney, supports Balinton.
Ceasar Church supports Balinton.
Margarita Machen supports Balinton.
Officer Paul Lozada supports Balinton.

HEARING OF POLICE OFFICER E.R. BALINTON, SUPPORT SERVICES (FILE NOS. C96-178[330] JWA, C97-223 DTC, & C97-252 JWA)

The hearing of Police Officer E.R. Balinton, Star No. 2083, Support Services Division, was called it having been set for this date. Officer Balinton was charged with violating the Rules and Procedures, as follows:

FILE NO. C96-178[330] JWA

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency, and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency, and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which subverts the good order, efficiency, and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 4

Failure to answer truthfully and without evasion when questioned by a superior officer (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

FILE NO. C97-223 DTC

SPECIFICATION NO. 1

Neglect of Duty (failure to tow vehicle driven by an individual with a suspended license, in violation of Department General Order 2.01, Rule 9);

SPECIFICATION NO. 2

Neglect of Duty (failure to submit a complete and accurate Incident Report in violation of Department General Order 2.01, Rule 9);

FILE NO. 397-252 JWA

SPECIFICATION NO. 1

Engaging in which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to obey orders to appear for Management Control Division interviews (violation of Rule 10 of Department General order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department.

Officer E. R. Balinton appeared in person and was represented by Mr. James Collins, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Opening statement was made by Mr. Akins on behalf of the San Francisco Police Department.

Oral argument was made by Mr. Collins on motion to dismiss. Mr. Akins responded on Mr. Collins' oral argument on motion to dismiss.

The Commission took the matter under submission, recessed, and returned denying motion to dismiss Specification No 4, in File No. C96-178.

Mr. Collins entered a plea of admission to Specification No. 4 contained in File No. C96-178, and Specification No. 1 contained in File No. C97-252, on behalf of Officer Balinton. Officer Balinton personally affirmed entry of admission plea in these matters and accepts responsibility for his acts.

Based on Officer Balinton's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of Chief Lau that Officer Balinton be terminated.

The following character witnesses were called by the Defense, were sworn and testified:

Officer E. R. Balinton
Sergeant Stephen Gudelj
Officer David Seid
Ms. Janell Caywood
Inspector Napoleon Hendrix
Lieutenant Jerry Lankford
Inspector Robert McMillan

Closing arguments were made by Mr. Akins and Mr. Collins.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 41-99

DECISION - HEARING OF OFFICER E.R. BALINTON, SUPPORT SERVICES (FILE NOS. C96-178[330]JWA, C97-223 DTC, & C97-252 JWA)

WHEREAS, on October 11, 1996, February 14, 1997, September 23,

1997, and October 23, 1997, Fred H. Lau, Chief of Police of the City and County of San Francisco, made and served charges against Police Officer E.R. Balinton, as follows:

FILE NO. C96-178[330] JWA

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency, and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentions, E.R. Balinton, Star Number 2083, (after this called "the accused) was and is a police officer employed by the San Francisco Police Department and assigned to the Homicide Unit assigned to the Narcotics Division;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) For the two years preceding January 1996, the accused and a woman, (the victim) lived together. During January 1996, the victim decided that they should no longer live together. On January 14 or 15, 1996, when she informed the accused of her decision, he became angry and pushed the victim to the ground causing the victim's nose to bleed. They moved apart and lived in separate residences. During the two years they lived together, the accused gave the victim jewelry;

(4) During the nine months immediately preceding October 5, 1996, the accused and the victim had many disagreements. The accused followed the victim when she drove on the city streets. The accused harassed the victim by calling her and making noise at her home. During the month of April , 1996, the accused partially forced open the door to the victim's apartment when she refused to admit him, he damaged the door and the victim, fearing that he would completely demolish the door, acquiesced and opened the door. The accused then forced his way into the apartment and stole some jewelry from her;

(5) On a day in July 1996, the accused, while driving a department undercover vehicle, waited near the victim's place of employment at the end of her work day. The accused insisted that he give the victim a ride home. The victim agreed and when they arrived at the street near the victim's home, she declined the accused's request that he be permitted to accompany her to her apartment. While standing on the street near the corner of Pine Street and Stockton Street, the accused and the victim argued. The accused became upset and grabbed the backpack the victim was holding, hanging from one strap over her shoulder. The accused got in his car and drove away. The accused then returned to the corner where the argument resumed and the accused grabbed a necklace and pendant hanging around her neck, breaking the chain and taking the pendant, the accused then left. Two days later the accused returned the backpack and pendant to the victim;

(6) The accused, by stalking and harassing the victim then breaking the door jam in her apartment to gain entrance to her apartment, and by forcefully taking her backpack and necklace from her, has engaged in conduct which any reasonable police officer

would recognize as conduct bringing discredit on the department and therefore he violated Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"9. MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency, and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(7) Each and every allegation contained in paragraphs (1) through (5), inclusive, of Specification No. 1 above is incorporated herein by reference and is realleged as though set forth in full;

(8) On October 5, 1996, between 1500 hours and 1600 hours, the accused gained entrance into the locked premises of the apartment building where the victim lives. The accused proceeded to the victim's apartment and stood outside her door, he banged on the door, he rang her doorbell, yelled at the victim through the door and called her on his cellular phone;

(9) At 1600 hours, the victim believed that the accused left the premises because she was told that the manager or one of the other tenants had escorted the accused from the premises. Later that afternoon, the victim arranged to eat dinner with a friend, the friend was to meet her at the front door of her apartment building. The friend called the victim at about 2030 hours to state that he was on his way. AT 2030 hours, the victim opened her apartment door to go and meet her friend. The accused was standing in a hidden place in the hallway near her apartment door;

(10) At 2030 hours, on October 5, 1996, when the victim saw the accused at her door, she tried to scream, but the accused entered the apartment, grabbed her, stifled her scream with his hand, pushed her to the floor and restrained her on the floor. In restraining the victim and forcing her to the floor, the accused caused bruises to her lower legs and a deep bruise to her thigh;

(11) On October 5, 1996, at 2030 hours, after gaining entrance to the victim's apartment and subduing her, the accused went to a closet in the apartment where he found a jewelry box containing jewelry belonging to the victim, which the accused took from the apartment without the victim's permission and over the victim's protest;

(12) On October 5, 1996, at 2030 hours, after gaining entrance to the victim's apartment and taking a box containing jewelry, the accused went to a cabinet in the apartment where he found a photo album and box containing pictures which he took from the apartment without the victim's permission and over the

victim's protest;

(13) California Penal Code Section 459 provides that:

"459. Burglary. Every person who enters any house, room, apartment. . . .
with intent to commit grand or petit larceny or any felony is guilty of burglary ..."

(14) After the accused left the premises, the victim secured her apartment and met the friend outside. The friend was riding a motorcycle. When the victim and her friend started down the street, they passed the accused parked on the street in a department vehicle, the accused turned the vehicle around and pursued the victim and her friend, until the friend was able to lose the accused in traffic, they went to a restaurant where they called the police and the victim reported the attack and thefts by the accused;

(15) The accused, by forcibly entering the victim's apartment and forcibly removing jewelry and photographs belonging to the victim violated Penal Code Section 459, has engaged in conduct which any reasonable police officer would recognize as conduct bringing discredit on the department and therefore he violated Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"9. MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 3

Engaging in conduct which subverts the good order, efficiency, and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(16) Each allegation contained in Specification No. 1 and 2 above is incorporated herein by reference and is realleged as though set forth in full;

(17) After the occurrence of the events alleged in Specifications No. 1 and 2 above, the accused called the victim's mother and sister and attempted to persuade them to cause the victim not to continue cooperating with the police in the matters and not to press charges. The accused also had family members and friends call the victim and attempt to convince her to withdraw from the prosecution of the matters;

(18) California Penal Code Section 136.1 provides that:

"136.1 Preventing or dissuading a witness or victim from testifying or doing other acts.
. . .
(b) Except as provided in subdivision (c), every person who attempts to prevent or dissuade another person who has been the

victim of a crime or who is a witness to a crime from doing any of the following is guilty of a misdemeanor:

. . .

(2) Causing a complaint, indictment, information, probation, or parole violation to be sought and prosecuted, and assisting in the prosecution thereof."

(19) The accused, by directly an or indirectly attempting to dissuade the victim from cooperating with the police or district attorney acted in a manner which would violate Penal Code Section 136.1, and thus has engaged in conduct which any reasonable police officer would recognize as conduct bringing discredit on the department and therefore he violated Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"9. MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 4 (Additional Charge)

Failure to answer truthfully and without evasion when questioned by a superior officer (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, E.R. BALINTON, Star Number 2083, (after this called "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Homicide Unit on loan to the Narcotics Division and suspended from his duties pending resolution of charges pending before the San Francisco Police Commission;

(2) As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) The accused was suspended from his duties pending resolution of charges before the Police Commission on October 6, 1996. The accused employed an attorney [referred to as "the attorney"] to represent him. On October 7, 1996, the attorney was not prepared for the accused to be interviewed by an investigator from the Management Control Division, however, the attorney agreed to pick a date for the interview after the hearing regarding the accused's interim suspension, scheduled for October 10, 1996. The attorney did not appear at the October 10 hearing, but did accept service of charges on October 11, 1996. Finally, on October 22, 1996, the attorney agreed the accused would appear for the Management Control Division interview on October 29, 1996 at 0900 hours;

(4) On October 29, 1996, at 0900 hours, neither the accused nor the attorney appeared for the scheduled interview. In a telephone conversation at 0930 hours, the attorney denied that he had agreed to the October 29, 1996 interview. The attorney informed the department that a new attorney [referred to as "the new attorney]" had taken over representation of the accused. The attorney stated that a new attorney was representing the accused, and that he was

handling the matter pending resolution of the new attorney's minor surgery;

(5) During the week of October 29, 1996 to November 1, 1996, the Management Control Division prepared an order for the accused to appear at the Management Control Division for an interview. This order was sent to the Narcotics Division for personal service on the accused, since the attempt to schedule the hearing by mutual agreement with his attorneys had failed. On October 30, 1996, a Lieutenant in the Narcotics Division called the accused and in a telephone conversation ordered him to come to the Narcotics Division Office to receive the order to appear at the Management Control Division for an interview on November 4, 1996. The accused refused and told the Lieutenant that the matter should be scheduled between the attorneys;

(6) On November 1, 1996, after much correspondence and many telephone calls, the new attorney agreed with the Officer In Charge of the Management Control Division that the accused would appear on November 21, 1996, at 1400 hours. The new attorney expressed reservations about whether the accused would answer questions at the interview, but said he would produce the accused;

(7) On November 8, 1996, the new attorney then wrote to the Member of the Police Commission assigned to hear the charges pending against the accused and stated that he would not produce the accused as he had agreed to do on November 21, 1996, and requested that the commissioner order the department "to provide discovery" to the accused immediately;

(8) After this turn of events, on November 12, 1996, the Management Control Division prepared a new "Accused Member Notification" to appear for the interview scheduled for November 21, 1996. For the next eight days, the Commanding Officer of the Narcotics Division made numerous attempts to contact the accused to order him to be served with the notice. The Commanding Officer: went to the accused's residence; left messages in the accused's box; called him at all known telephone numbers; left messages on his pager; called his attorneys and left messages with them, which they stated they would not forward; and requested that members of his command who were close to the accused contact him, all to no avail. The accused refused to return any of the Commanding Officer's calls or respond to any of the messages. Rule C-12 of Department General Order 2.07 of the San Francisco Police Department states:

"An officer under suspension shall remain subject to the order of the Chief and the orders, directives, and procedures of the Department."

(9) On October 30, 1996, the accused refused to obey a lawful order to appear at the Narcotics Division to be served, with an "Accused Member Notification" of an order to appear at the Management Control Division on November 4, 1996. Between November 12 and 20, 1996, the accused failed and refused to respond to his Commanding Officer's messages to come to the station to be served with the "Accused Member Notification" of an order to appear at the Management Control Division on November 21, 1996. Rule 10 of Department General Order 2.01 of the San Francisco Police Department, states:

"Members shall obey all written orders, policies and procedures of the Department, and promptly obey all lawful

written or verbal directives of superiors."

(10) On November 25,1996, the new attorney agreed to accept service of the "Aeeused Member Notification" and produce the aeeused for an interview scheduled on Deeember 5, 1996, at 1100 hours. On December 5, 1996, the accused and his new attorney appeared at the Management Control Division for the interview. Once the interview started, the accused refused to answer any substantive questions. The interview was terminated after the accused stated that he would not answer any questions;

(12) By refusing to follow the lawful orders of the Management Control Division investigator to answer questions concerning the within matter, the accused violated Rule 21 of Department General Order 2.01 of the San Francisco Police Department, which states:

"COOPERATION WITH INVESTIGATORS. Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer of by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion. . . . ."

FILE NO. C97-223

SPECIFICATION NO. 1

Neglect of Duty (failure to tow vehicle driven by an individual with a suspended license, in violation of Department General Order 2.01, Rule 9);

SPECIFICATION NO. 2

Neglect of Duty (failure to submit a complete and accurate Incident Report in violation of Department General Order 2.01, Rule 9);

(1) At all times herein mentioned. E.R. Balinton, Star Number 2083, (hereinafter referred to as the "Accused Officer") was and is a police officer employed by the San Francisco Police Department;

(2) As a police officer, the Accused Officer was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or around April 26, 1996, the Accused Officer was on-duty and serving with the "CRUSH" Unit of the Homicide Unit. While on patrol, the Accused and his partner observed an individual driving a vehicle (hereinafter referred to as the "driver"). They were aware that the driver did not have a valid driver's license;

(4) The Accused Officer and his partner stopped the driver and his vehicle. The driver of the vehicle confirmed that he did not have a valid driver's license. There were two passengers in the vehicle along with the driver. The driver and one of the passengers were detained and released at Ingleside Station. The second passenger was arrested and booked into custody at Ingleside Station;

(5) The Accused Officer was the investigating and arresting officer in this incident. The Accused officer did not have the vehicle towed;

(6) Department Bulletin 94-298, "Traffic Offender Program (STOP)," in effect at the time of this incident, states in relevant part:

"Pending revision of the General Order 9.06, officers shall adhere to the following procedures regarding STOP:

Tow the vehicle if it is driven by a person who has had his/her driving privilege suspended or revoked ...

Place a hold on the vehicle for STOP. (Only STOP can release the hold."

(7) The Accused Officer is required to obey all written orders of the San Francisco Police Department and to maintain a working knowledge of all Department Bulletins;

(8) The Accused Officer by failing to comply with this San Francisco Police Department Bulletin engaged in conduct that any reasonable police officer would know would be cause for discipline, and has engaged in conduct that violated Department General Order 2.01, Rule 9, which states in relevant point:

"MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer ... that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2

Neglect of Duty (failure to submit a complete and accurate Incident Report in violation of Department General Order 2.01, Rule 9):

(9) Paragraphs (1) through (6) of Charge No. 1 are incorporated in this paragraph by reference and realleged as though set forth in full;

(10) The Accused Officer prepared a five-page incident report, Incident Report No. 960585116, regarding his enforcement action. The heading of the report indicated that the incident involved was for "DRIVING/LIC.ADMON./OPEN CONTAINER/POSS.CRACK FOR SALE/TRANSP." In this report, the Accused Officer failed to provide complete and accurate information regarding all of the individuals detained and failed to complete SFPD Form 377C, an Incident Report Additional Subjects attachments required to be completed:

(11) The Department's Report Writing Manual, DM-11, issued in April of 1995, was in effect at the time of the incident. Its introduction states, in relevant part "[the San Francisco Police Department expects professional incident reports from its members and is committed to providing training and support to achieve this goal."

(12) The Manual also clearly provides instructions for completing SFPD Form 377c., stating that members are to "[u]se this form to list additional subjects Admonished, Booked, Cited, Detained, Exonerated, Missing, Suspect, or Diverted.)"

(13) The Incident Report prepared by the Accused Officer only lists one suspect, who was booked for a narcotics offense. Only sketchy information regarding the additional individuals is provided in the narrative of the Incident Report;

(14) The Accused officer did not comply with Department procedures

when completing Incident Report 960585116, and, therefore, has engaged in conduct that any reasonable police officer would know would be cause for discipline, violating Rule 9 of Department General Order 2.01, which states in relevant part:

"MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer ... that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

FILE NO. C97-252 JWA

SPECIFICATION NO. 1:

Engaging in conduct which subverts the good order, efficiency, and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, E.R. BALINTON, Star Number 2083, (after this called "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Support Services Division, and placed on interim suspension on October 16, 1997;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On October 5, 1996, the accused was involved in an incident characterized as domestic violence with his former girl friend (herein the "victim"). That incident is the subject of another investigation and charges now pending hearing before the Police Commission. October 6, 1996, the accused was arrested by the San Francisco Police department on several criminal charges stemming from this incident. On October 7, 1996, at 1700 hours, the accused was served with a copy of Police Chief Fred H. Lau's order:

"By this memorandum, I order that you refrain from contacting [the victim] by any means of communication. This order applies to direct contacts of any kind personally by you as well as indirect contacts through other people or on your behalf. This order shall continue until conclusion of the criminal proceedings in the courts and the administrative investigation of you by the department of your alleged actions n and before October 5, 1996."

(4) On October 10, 1996, the accused was arraigned in Department 11 of the Municipal Court for the City and County of San Francisco, State of California, the Honorable Kevin V. Ryan, presiding. On October 10, 1996, at the arraignment, the court ordered the accused to stay from the victim. The accused was ordered as follows:

"THE DEFENDANT IS ORDERED AS FOLLOWS:

1. Do not molest, harass, threaten, or otherwise disturb the peace of the above-named person(s).

2. Do not telephone, send written correspondence to, or contact the above named person(s) in any way, or through

an intermediary, except through an attorney of record.

3. Stay at least 150 yards away from the above-named person(s) and place(s).

4. Other: _____

The defendant appeared in person before this Court on this date, Oct. 10, 1996, and was informed of the contents of this Order, and/or was personally served with a written copy of this Order.

This Order shall remain in effect during the time the defendant is under the jurisdiction of the Court. This includes any probationary period.

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE UNDER PENAL CODE SECTION 13

(5) On February 3, 1997, the accused pled no contest to, and was found guilty of, two misdemeanor counts of violating Penal Code Section 236, false imprisonment, accomplished by deceit. The accused received two consecutive one year county jail terms, and execution of the sentence was suspended and the accused was placed on probation for six years. The court pronounced the sentence, including the terms of probation:

"THE COURT: All right. Mr. Balinton, I'm going to sentence you now. Execution of the sentence, two years, will be suspended for a period of six years on the following terms and conditions: You are to stay away from the complaining witness in this case, not to annoy, molest, or harass or to have anyone else do that o your behalf for the aerate of six years. [other terms of probation were stated] ...
Anything else?
[Assistant District Attorney]: Your Honor, just for the record, the stay-away means no personal contact, no written contact, no phone contact with [the victim], no contact of any kind.
THE COURT: Yes."

(6) In late September 1997, during final investigation prior to the hearing of the pending Police Commission charges regarding the allegations of domestic violence toward the victim, Management Control Division investigators learned that the accused did not stop calling the victim after the orders to the accused form the Chief of Police and from the Municipal court. In fact, the accused continued calling the victim repeatedly. The accused sometimes called the victim very early in the morning and sometimes called very late at night. Several times the victim asked the accused not call her, but he continued calling her at home and at her work. The accused would call several times in a row, if she hung up the phone, sometimes he would be angry, sometimes he would be conciliatory, sometimes made strong statements concerning her, concerning his situation and concerning himself;

(7) On October 8, 1997, at a pretrial hearing regarding the pending Police Commission charges, the case was discussed and the matter was set for hearing before one of the Commissioners on December 8, 1997. Thereafter, at 0400 hours, on October 9, 1997, the accused called the victim seeking her assistance in ameliorating the penalty the Commission might impose in the pending Police Commission matter;

(8) The accused, by making numerous telephone calls to the victim in this matter, violated the order of the Chief of Police and violated the terms of probation imposed by the Municipal Court. Any

reasonable police officer must know that such conduct violates the standards of the department and is cause for discipline or dismissal from employment, therefore, such conduct subverts the good order, efficiency or discipline of the Department, and reflects discredit upon the Department in violation of Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. ANY breach of peace, neglect of duty, misconduct or any conduct by an officer ... that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2:

Failure to obey orders to appear for Management Control Division interviews (violation of Rule 10 of Department General Order 2.01 of the San Francisco Police Department);

(9) The allegations of paragraphs 1 through 8 contained in Specification No. 1 above are realleged and incorporated herein by reference as though set forth in full;

(10) On October 15, 1997, the accused was personally served with a notice to appear for a Management Control Division interview on October 16, 1996 at 1200 hours. At 1147 hours, an attorney representing the accused appeared in the Management Control Division offices and informed the investigators that the accused would not appear for the interview. The attorney stated that he had sent the accused to see a doctor;

(11) On October 16, 1996, Management Control Division scheduled another interview for October 21, 1997, at 1100 hours. The accused's commanding officer attempted to contact the accused to order him to report to the Support Services Division to be served with the notice of the continued interview and with notice of his interim suspension effective on October 16, 1997. The accused did not call back to his commanding officer, but an attorney representing him did call the commanding officer. The commanding officer notified her of the suspension and of the rescheduled interview. The attorney stated that she would accept service for him and that the accused was on disability. The attorney did come to the Support Services Division and accepted the notices of new interview and suspension. On October 21, 1997 at 1100 hours, neither the accused nor any attorney appeared for the scheduled interview. In a telephone conversation with the commanding officer of the Management Control Division, the accused's attorney stated that the accused would not attend the interview on October 21, 1997, but would attend a hearing to be set on October 27, 1997. The accused has not provided the Police Department with proper verification of his inability to appear at the Management Control Division to be interviewed on either occasion;

(12) By refusing to follow the lawful orders of the Management Control Division to appear and to answer questions concerning the within matter, the accused violated Rule 10 of Department General Order 2.01 of the San Francisco Police Department, which states:

"WRITTEN ORDERS. Members shall obey all written orders, policies and procedures of the Department, and promptly obey all

lawful written or verbal directives of superiors."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A8.343, of the Charter of the City and County of San Francisco on Thursday, December 11, 1998, and on Wednesday, March 17, 1999, the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Balinton's admissions, the Commission find the allegations contained in Specification No. 1 of File No. C97-252 and Specification 4 of File No. C96-178[330], as preferred by Chief of Police Fred H. Lau against Officer Balinton are sustained and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of an Francisco and the public in general, an in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following disposition of charges and imposition of discipline:

FILE NO. C97-252 JWA

SPECIFICATION NO. 1 - Sustained
SPECIFICATION NO. 2 - Dismissed

FILE NO. C97-223 DTC

SPECIFICATION NO. 1 - Withdrawn and remanded to the Chief
SPECIFICATION NO. 2 - Withdrawn and remanded to the Chief

FILE NO. C96-178[330]JWA

SPECIFICATION NO. 1 - Withdrawn
SPECIFICATION NO. 2 - Withdrawn
SPECIFICATION NO. 3 - Withdrawn
SPECIFICATION NO. 4 - Sustained

That Officer E.R. Balinton be terminated; said termination to be held in abeyance for five (5) years on condition of good conduct, cooperation and compliance with the program prescribed by the commanding officer of Staff Services Division and no sustained complaints of misconduct. That Officer Balinton be suspended without pay for 15 working days for each sustained specification for a total of thirty (30) working days to be served consecutively. That Officer Balinton shall participate in an Anger Management Control Class as designated by the Commanding Officer of Support Services Division analogous to the process defined in Department General order 11.11 and that Officer Balinton adhere to the program for the length of time that is determined, and that on request of the Commission, periodic reports may be required.

FURTHER RESOLVED, that said thirty (30) working day suspension shall commence on Thursday, march 18, 1999, at 0001 hours, and terminate on Wednesday, April 28, 1999, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure Section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, Section 1094.6

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 24, 1999
6:00 p.m.

MISSION DISTRICT
Mission Station Community Room
630 Valencia Street
(at 17th Street)

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT MANUEL BARRETTA
Secretary

1. Pledge of Allegiance

2. Roll Call

3. Assignment of Commission and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Natalie Komarchuk, Taraval Station (File #C99-054 JWA)

4. Assignment of Commission and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer James D. Jones, Muni Transit Co. (File #C98-205 JWA)

5. Police Commission Announcements
   a. Notification of Resignation of Officer Alejandro G. Verzosa, Support Services

6. Chief's Announcements and Review of Recent Department Events

7. OCC Director's Report

8. Captain Gregory Suhr, Commanding Officer of Mission Station, to address the Commission on Police Activities in the Mission District

9. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

**There will be Public Comments on any item before or during discussion of each item*

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decision in full view of the public

Commissions, boards, councils and other agencies of the City and County exist to conduct the peoples business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE TASK FORCE.

Mission Police Station and
Captain Greg Suhr
Present

The San Francisco Police Commission
District Meeting

Wednesday, March 24, 1999
6:00 P.M.

Mission Station Community Room
630 Valencia Street
(at 17th Street)

In an effort to encourage community input and participation, the Police Commission is holding this weekly hearing in the Mission District . Please take this opportunity to meet with the Commissioners, provide feedback and express your concerns.

Va a haber alguien que habla espanol para assistir gente que no habla ingles.

MARCH 24, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Mission District, Mission Station Community Room, 630 Valencia Street, San Francisco, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Perry, Friday
ABSENT: Commissioners Chan, Norman

RESOLUTION NO. 42-99

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER NATALIE KOMARCHUK, TARAVAL STATION (FILE NO. C99-054 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Natalie Komarchuk, Star No. 118, Taraval, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Komarchuk; therefore be it

RESOLVED, that Commissioner Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Natalie Komarchuk, and is to be set at a later date.

AYES: Commissioners Herrera, Perry, Friday
ABSENT: Commissioners Chan, Norman

RESOLUTION NO. 43-99

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER JAMES D. JONES, MUNI TRANSIT CO. (FILE NO. C98-205 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer James D. Jones, Star No. 2148, Muni Transit, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Jones; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer James D. Jones, and is to be set at a later date.

AYES: Commissioners Herrera, Perry, Friday
ABSENT: Commissioners Chan, Norman

RESOLUTION NO. 44-99

HEARING OF OFFICER ALEJANDRO G. VERZOSA, SUPPORT SERVICES (FILE NO. C98-227 JWA)

WHEREAS, on September 17, 1998, Fred H. Lau, Chief of Police, made and served charges against Police Officer Alejandro Verzosa, Star No. 2201, as follows:

SPECIFICATION NO. 1
Illegal possession or use of controlled substances (violation of rule I-C-1 of Department General order 2.03 of the San Francisco Police

Department);

and

WHEREAS, Officer Alejandro Verzosa, Star No. 2201, Support Services, submitted his resignation from the San Francisco Police Department effective close of business on Friday, March 19, 1999; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Officer Alejandro G. Verzosa, Star No. 2201, be, and the same are hereby continued off calendar.

AYES: Commissioners Herrera, Perry, Friday
ABSENT: Commissioners Chan, Norman

POLICE COMMISSION ANNOUNCEMENTS

a. Notification of Resignation of Officer Alejandro G. Verzosa, Support Services

Commissioner Herrera welcomed the audience and the Commissioners introduced themselves.

Commissioner Herrera asked the Chief for the civilianization report pursuant to Prop D.

RESOLUTION NO. 44-99

HEARING OF OFFICER ALEJANDRO G. VERZOSA, SUPPORT SERVICES (FILE NO. C98-227 JWA)

WHEREAS, on September 17, 1998, Fred H. Lau, Chief of Police, made and served charges against Police Officer Alejandro Verzosa, Star No. 2201, as follows:

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Illegal possession or use of controlled substances (violation of rule I-C-1 of Department General order 2.03 of the San Francisco Police Department);

and

WHEREAS, Officer Alejandro Verzosa, Star No. 2201, Support Services, submitted his resignation from the San Francisco Police Department effective close of business on Friday, March 19, 1999; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Officer Alejandro G. Verzosa, Star No. 2201, be, and the same are hereby continued off calendar.

AYES: Commissioners Herrera, Perry, Friday
ABSENT: Commissioners Chan, Norman

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau defers to Captain Suhr, Commanding Officer of Mission Station.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap described the duties of the OCC and then defers to Captain Suhr.

CAPTAIN GREGORY SUHR, COMMANDING OFFICER OF MISSION STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE MISSION DISTRICT

Captain Gregory Suhr described personnel and enforcement at the station.

Commissioner Friday commended Captain Suhr and members of Mission Station.

PUBLIC COMMENTS

Manuel Jalish, business owner, discussed concerns regarding prostitution and drugs on 16th Street.

Ethel Newlin, Mission district resident, discussed full staffing issue.

Andy Solo, Mission resident, discussed full staffing report.

John Stanzy, resident, discussed bicycle problems, prostitution, drug use and asked for more outreach.

Megan, business owner, thanked Captain Suhr for beat officers on Castro Street.

Vivian discussed prostitution, lack of prosecution by the DA and drugs on 16th Street and Mission.

Thereafter, the meeting was adjourned at 7:00 p.m.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

MARCH 30, 1999 SPECIAL MEETING

PROCEDURAL HEARING FOR TAKING OF EVIDENCE BY COMMISSION DENNIS HERRERA IN DISCIPLINARY CHARGES FILED AGAINST OFFICER ROBERT A. TAYAC, NARCOTICS (FILE NO. C96-179[331] JWA)

The hearing for taking of evidence in the disciplinary charges filed against Officer Robert A. Tayac, Narcotics, was called at 8:10 a.m., it having been continued from August 24, 1998.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Robert A. Tayac appeared in person and was represented by Mr. John Prentice, Attorney at Law.

The following witness appeared for the Officer, was sworn and testified:

Officer Robert Tayac

The following exhibits was entered for identification only by the Department:

Exhibit No. 17 Copy of Transcript - Interview of Officer Tayac by Sgt. Ray Kilroy

The following exhibits were identified and entered into evidence by the Defense:

Exhibit O Copy of Computer Printout dated 5/28

Exhibit P Copy of Computer Printout

Exhibit Q Copy of Personnel Scheduling System, 5/31/96 (4 pages)

The meeting was then adjourned, to be continued at a later date.

Recess taken during the hearing of Officer Tayac:

10:45 a.m. to 11:10 a.m.

(The entire proceedings were taken in shorthand form by Mr. Dave Davenport, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

99
+9

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meeting on *Wednesday, March 31, 1999.* The next Police Commission Regular Meeting will be on **Wednesday, April 7, 1999,** at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, San Francisco, 5:30 p.m.

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING
WEDNESDAY, APRIL 7, 1999
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505
San Francisco, California

1. Roll Call

2. Public Comment on all matters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with legal counsel. (San Francisco Administrative Code section 67.11(a).)

4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code section 67.11(b).

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

   a. Charles Tucker vs. CCSF, Superior Court No. 988-868

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Commissioner

LT. MANUEL BARRETTA
Secretary

/99

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 7, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance

2. Roll Call

3. Discussion and Vote on Whether to Disclose Discussion and Disclosure of Action taken in Closed Session

4. Approval of Consent Calendar

5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Sergeant Robert G. Hartmann, Support Services (File No. C99-099 JWA)

6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Ivan H. Chavez, Richmond (File No. C98-204 JWA)

7. Assignment of Commissioner and Setting of Date for Taking of Evidence on the Appeal of the Chief's Suspension of Officer Jennifer Marino, Ingleside (File No. D97-259 DMC)

8. Police Commission Announcements
   a. Motion of Calendaring of New Items

9. Chief's Announcements and Review of Recent Department Events

10. OCC Director's Report re: Staffing and Budget and Summary of Recent Events

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
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Commissioner

LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 7, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

11. Request of the Chief of Police for Approval to Participate in the Department of Boating and Waterways Safety and Enforcement Financial Aid Program

12. Public Comments
(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Recommendation of the city Attorney for Settlement of the following claim:

   a. Charles Tucker vs. CCSF, Superior Court No. 988-868

There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

APRIL 7, 1999 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

a. Charles Tucker vs. CCSF, Superior Court No. 988-868

PRESENT: Commissioners Herrera, Chan, Norman, Perry, Friday

APRIL 7, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Perry, Friday

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION

The Commission voted not to disclose discussion of action taken in Closed Session.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 45-99

CHARLES TUCKER vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Charles Tucker vs. CCSF" in Superior Court Case No. 988-868, be, and the same is hereby approved.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

RESOLUTION NO. 46-99

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT ROBERT G. HARTMANN, SUPPORT SERVICES (FILE NO. C99-099 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Sergeant Robert G. Hartmann, Star No. 39, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Pat Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Hartmann; therefore be it

RESOLVED, that Commissioner Norman is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Robert G. Hartmann, and is to be set at a later date.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

RESOLUTION NO. 47-99

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER IVAN H. CHAVEZ, STAR NO. 623, RICHMOND (FILE NO. C98-204 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Ivan H. Chavez, Star No. 623, Richmond, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Chavez; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Ivan H. Chavez, and is to be set at a later date.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

RESOLUTION NO. 48-99

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON THE APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER JENNIFER MARINO, INGLESIDE (FILE NO. D97-259 DMC)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the appeal of the Chief's suspension of Officer Jennifer Marino, Star No. 1844, Ingleside, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the appeal of the Chief's suspension of Officer Marino: therefore be it

RESOLVED, that Commissioner Perry is hereby assigned to conduct taking of evidence in the appeal of the Chief's suspension of Officer Jennifer Marino, and is to be set at a later date.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Herrera asked regarding community policing and discussed issue of driving while black and asked the Chief for a report for next week.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Deputy Chief Santos, for Chief Lau, had no announcements.

Captain Dennis Martel presented plaques of appreciation to Jerry Stern, Scott Pierce, and John Williams. Captain Martel thanked the Fire Department, Paramedics, and other department members for action taken on January 15th at the Bank of America shooting.

Commissioner Herrera welcomed visitors from Pakistan.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND

SUMMARY OF RECENT EVENTS

Director Mary Dunlap discussed hiring of more investigators.

RESOLUTION NO. 49-99

APPROVAL OF REQUEST OF THE CHIEF OF POLICE FOR THE SAN FRANCISCO POLICE DEPARTMENT TO PARTICIPATE IN THE DEPARTMENT OF BOATING AND WATERWAYS SAFETY AND ENFORCEMENT FINANCIAL AID PROGRAM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police for the San Francisco Police Department to participate in the Department of Boating and Waterways Safety and Enforcement Financial Aid Program.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

PUBLIC COMMENTS

Michael Petrilis discussed reopening of gay bath houses.
Richard Cornwall discussed bath houses.

Thereafter, the meeting was adjourned at 6:15 p.m.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

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CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING
WEDNESDAY, APRIL 14, 1999
5:00 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505
San Francisco, California

1. Roll Call

2. Public Comment on all matters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with legal counsel. (San Francisco Administrative Code section 67.11(a).)

4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code section 67.11(b).

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

   a. Jesse Williams, et al., v. City and Couty of San Francisco, et al. Lynne Williams v. City and County of San Francisco, et al., United States District Court Case Nos. C96-0705 SBA & C96

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

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CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

REGULAR MEETING
WEDNESDAY, APRIL 14, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on Whether to Disclose Discussion and Disclosure of Action taken in Closed Session
4. Approval of Consent Calendar
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Status Report re: Crime On Muni
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDER

1. Recommendation of the City Attorney for Settlement of the following claim:

   a. Jesse Williams, et al., v. City and Couty of San Francisco, et al. Lynne Williams v. City and County of San Francisco, et al., United States District Court Case Nos. C96-0705 SBA & C96

**There will be Public Comments on any item before or during discussion of each item.*

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

APRIL 14, 1999 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:05 p.m., in Closed Session.

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

a. Jesse Williams, et al., v. City and County of San Francisco, et al. Lynne Williams v. City and County of San Francisco, et al., United States District Court Case Nos. C96-0705 SBA & C961337 SBA

PRESENT: Commissioners Herrera, Chan, Norman, Perry, Friday

APRIL 14, 1999 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Perry, Friday

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION

The Commission voted not to disclose discussion and action taken in Closed Session.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 50-99

JESSE WILLIAMS, ET AL., v. CITY AND COUNTY OF SAN FRANCISCO, ET AL., LYNNE WILLIAMS v. CITY AND COUNTY OF SAN FRANCISCO, ET AL.

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Jesse Williams, et. al. v. City and County of San Francisco, et al., Lynne Williams v. City and County of San Francisco, et al.," in United States District Court Case Nos. C96-0705 SBA and C96-1337 SBA, be, and the same is hereby approved.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioners Norman and Perry will not be attending the graduation.

Commissioner Herrera discussed "Driving while Black" and asked the Chief report back to the Commission after talking with employee organizations.

Commissioner Herrera also asked Mary Dunlap to review sustained complaints and report back with research.

Commissioner Perry discussed policy recommendations presented to the Commission. Pepper spray policy recommendation to be calendared May 5th.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau discussed recent rumors regarding retirement and discussed Mayor's attack on traffic enforcement and pedestrian safety.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap stated that all OCC administration staff will be attending the Women's Conference on Friday, April 16th.

STATUS REPORT RE: CRIME ON MUNI

Captain Steve Tacchini discussed background of Muni Company and recent efforts by officers regarding crime on Muni. He stated that robberies have decreased 50 percent and driver assault have decreased 70 percent.

PUBLIC COMMENTS

None.

Thereafter, the meeting was adjourned at 5:55 p.m.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

APRIL 16, 1999 SPECIAL MEETING

PROCEDURAL HEARING FOR TAKING OF EVIDENCE BY COMMISSION DENNIS HERRERA IN DISCIPLINARY CHARGES FILED AGAINST OFFICER ROBERT A. TAYAC, NARCOTICS (FILE NO. C96-179[331] JWA)

The hearing for taking of evidence in the disciplinary charges filed against Officer Robert A. Tayac, Narcotics, was called at 8:10 a.m., it having been continued from March 30, 1999.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Robert A. Tayac appeared in person and was represented by Mr. John Prentice, Attorney at Law.

The following witness appeared for the Officer, was sworn and testified:

Officer Robert Tayac

The following exhibits were identified and entered into evidence by the Defense:

Exhibit R Copy of Penal Code Section 502

Exhibit S Copy of Eligibility List P-24 Police Sergeant

Exhibit T Copy of Community Policing Booklet

Exhibit U Copy of Department Manual #9, Community Policing

The meeting was then adjourned.

(The entire proceedings were taken in shorthand form by Mr. Dave Davenport, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

/99

REGULAR MEETING
WEDNESDAY, APRIL 21, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. Request of the Chief of Police for Approval of Recommendation of the Awards Committee
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDER

1. Request of the Chief of Police for Approval to Accept Donation of a Colt AR-SP1, Tactical Carbine, .223 Caliber, valued at $850.00, from Mr. Francis D. Stanghellini, for use of the San Francisco Police Department

****There will be Public Comments on any item before or during discussion of each item.***

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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APRIL 21, 1999 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Perry, Friday

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 51-99

APPROVAL TO ACCEPT DONATION OF A COLT AR-SP1, TACTICAL CARBINE, .223 CALIBER, VALUED AT $850.00, FROM MR. FRANCIS D. STANGHELLINI, FOR USE OF THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of a Colt AR-SP1, Tactical Carbine, .223 Caliber, valued at $850.00, from Mr. Francis D. Stanghellini, for use of the San Francisco Police Department.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Next week's meeting will be in the Richmond District.

Commissioner Herrera asked that the pepper spray issue scheduled for May 5th be put over to May 12th. He also asked that matter "Driving while Black" be calendared.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau discussed press conference with the Mayor and superintendent of schools regarding concerns about Colorado High School shooting.

RESOLUTION NO. 52-99

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 3.09, Section I.A.1 of the San Francisco Police Department, as approved by the Awards Committee on Thursday, March 25, 1998; and

WHEREAS, Chief of Police Fred H. Lau has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Officers Tadao Yamaguchi, Mark Cota, and Dennis O'Mahoney are hereby awarded the Gold Medals of Valor and granted a reward of ***one month's salary*** each, and that Sergeants James Spillane and Dennis Meixner, Officers Shaughn Ryan, Joseph Marte, Richard Aceret, Jennifer Dudoroff, David Maron, Jason Jefferson, Moses Gala, Louis Barberini, Timothy Kiely, James Gaan, Jessie Serna, Eric Tapang, George Forgarty, and Harold Vance are also hereby awarded the Gold Medal of Valor and granted a reward of $500.00 provided for under said section of the Charter;

and be it further

RESOLVED, that Sergeants Timothy Oberzier, Lawrence Ratti, Antonio Flores, and Charlie Orkes, Officers Daryl Deen, Rafael Labutan, David Brandt, Romeo Delavega, Tom Jankovic, Christopher Hayes, Vincent Etcheber, Jason G. Fox, Daniel Borgfeldt, Arnaldo Aleman, Robert Frazier, Adriano Castro, Mario Molina, Jason Cherniss, Robert Moser, John Ferrando, Leonard Morrow, Kevin Murray, Michael Serujo and Reserve Officer Richard Ernst are hereby awarded Silver Medals of Valor and granted rewards of $300.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Lieutenant William Gilbert, Sergeant Brian Canedo, Officers Steven Lee, Stephen Ryan, Frank Harrell, Troy Peele, Theresa Ewins, Christopher Creed, Hector Jusino, Robert Moser, Keith Parker, Stephen Kirwan, John Lewis, and Benito Manning are hereby awarded Bronze Medals of Valor and granted rewards of $150.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Officers James L. Arnswald, Raymond Beazley, Daniel Bonnel, Charles Bonnici, Robert W. Byrne, Oscar Carcelen, Jimmy Chan, Kyle K. Ching, Sergeant Michael Cleary, Sergeant Robert Clevidence, Lieutenant Kitt Crenshaw, Officer Anthony Damato, Sergeant Robert Del Torre, Inspector Gary Delagnes, Officer Kevin Dempsey, Inspector Philip Dito, Officers Jay Dowke, Kirk Edison, *Michael Evanson**, Inspector Daniel Everson, Officers Michael Fewer, Daryl Fong, Leslie Forrestal, Jason Fox, Ricardo Galande, Sergeant Daniel Gardner, Officers Dave Gonzalez, Robert Herrold, Brett Higdon, Edward Hunt, Jose Jimenez, Inspector Kevin Jones, Officer John Keane, Sergeant Martin Lalor, *Sergeant Philip Lee**, Inspector Richard Leon, Officers James Lewis, Charles Lofgren, Anthony L. Manfreda, Lieutenant Bruce Marovich, Officers Michael G. McEachern, *Alfredo Melendez**, Theodore Mullin, Brian Nannery, Inspector Eric Olen, Inspector Gregory Ovanessian, *Officers Robert O'Sullivan**, Michael Palada, Philip Pera, Daniel Perea, Michael Redmond, Sergeant David Roccaforte, Inspector Robert Rogers, Officers Robert Sanchez, Angelo Spagnoli, Melvin Thornton, Ricardo Valdez, Raj Vaswani, Philip Welsh, *Michael White**, *Inspector Kevin Whitfield**, Officer Ernest Wilberg, Inspector Earl Wismer, Officers Bryan Woo, Edward Yu, Robert Ziegler, and Dino Zografos, are hereby awarded Meritorious Conduct Awards and granted a reward of $150.00 each, as provided for under said Section of the Charter.

*(*Members received two (2) Awards and Rewards)*

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

None.

PUBLIC COMMENTS

Bob Planthood asked for more enforcement of Pedestrian Safety issues. Linda Bray discussed concerns.

Thereafter, the meeting was adjourned at 5:50 p.m.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

THE SAN FRANCISCO POLICE COMMISSION AND RICHMOND POLICE STATION

Calendar of Proceedings

CORDIALLY INVITE YOU AND YOUR NEIGHBORS
TO ATTEND THE MONTHLY MEETING OF

THE SAN FRANCISCO POLICE COMMISSION

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WEDNESDAY, APRIL 28, 1999
TIME: 6:00 P.M.

RICHMOND POLICE STATION
COMMUNITY ROOM (AT REAR OF THE STATION)
461 – 6TH AVENUE

COME AND MEET THE SAN FRANCISCO POLICE COMMISSION. THERE WILL BE A PUBLIC COMMENT SESSION DURING THE MEETING.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 28, 1999
6:00 p.m.

RICHMOND DISTRICT
Richmond Police Station
Community Room (at rear of the Station)
461 Sixth Avenue
San Francisco

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
6. Captain Richard Hom, Commanding Officer of Richmond Station, to address the Commission on Police Activities in the Richmond District
7. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

** There will be Public Comments on any item before or during discussion of each item.*

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(Chapter 67 of the San Francisco Administrative Code)

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Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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APRIL 28, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Richmond District, Richmond Police Station Community Room, 461 6th Avenue, San Francisco, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Friday
ABSENT: Commissioner Perry

POLICE COMMISSION ANNOUNCEMENTS

a. **Motion of Calendaring of New Items**

Commissioner Herrera welcomed the audience and introduced the Commissioners. Commissioners Chan, Friday, and Norman addressed the audience.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau introduced the command staff and read letter from resident supporting Captain Hom.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET, AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap described duties and responsibilities of the OCC.

CAPTAIN RICHARD HOM, COMMANDING OFFICER OF RICHMOND STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE RICHMOND DISTRICT

Captain Hom described activities in the Richmond District and presented Certificates of Appreciation to David Heller, Brian Pangan, and Pattie Maney.

Commissioner Herrera congratulated recipients of awards of appreciation.

PUBLIC COMMENTS

David Heller thanked the Commission and the Chief of meeting in the Richmond District. He also presented Certificate of Appreciate to Captain Hom.

Leo, resident, commended Captain Hom.
Donald Richardson, crossing guard, thanked Captain Hom.
David Hertz commended Captain Hom.
Curtis, Park and Rec., commended Captain Hom.
Pat Townsend commended Captain Hom.
Nick Buick commended Captain Hom.

Thereafter, the meeting was adjourned at 7:20 p.m.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President
SIDNEY CHAN
Vice President
PAT NORMAN
Commissioner
CONNIE PERRY
Commissioner
WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MAY 5, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Status Update re: Continuing Education
7. Presentation of Proposition D Staffing Report
8. Discussion re: Racial Profiling (DWB -- Driving While Black or Brown)
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
10. Hearing and Disposition on Disciplinary Charges filed against Officer Patrick J. Cesari, Northern (File No. C98-203 JWA)

There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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MAY 5, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Perry, Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Norman asked that Chief Holder report regarding sex workers by May 26th.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

No report.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap thanked Chief Lau for orientation for the new investigator.

STATUS UPDATE RE: CONTINUING EDUCATION

Captain Lawson presented the schedule of training.

Sgt. Jeff Barry discussed continuing training for SFPD members.

Lieutenant Henry Parra described EVOC training.

Commissioner Herrera discussed roll call training and asked it be given high priority.

RESOLUTION NO. 53-99

APPROVAL OF PROPOSITION D STAFFING REPORT

RESOLVED, that pursuant to Section 4.127 of the Charter of San Francisco, the Police Commission hereby approves Proposition D Staffing Report of the San Francisco Police Department.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

DISCUSSION RE: RACIAL PROFILING (DWB – DRIVING WHILE BLACK OR BROWN)

Chief Lau describe department policy.

Assistant Chief Sanders discussed background of traffic stops and stated that he will work with systems people to download for statistical data.

Director Mary Dunlap, OCC, discussed 1033 complaints in 1998 and 42 of those complaints are stops while black/brown. She stated that more data is needed to prove or disprove complaints and expressed her support for state and national data compilation.

PUBLIC COMMENTS

Joyce Miller discussed concerns regarding racial profiling and felony stops.

Chris Cunnie, POA President, commended Chief Lau and Assistant Chief Sanders regarding meetings with employee organizations.

Michelle Alexander, ACLU, discussed concerns.

Don Hesse, Human Rights Commission, supports data collected.

HEARING OF OFFICER PATRICK J. CESARI, STAR NO. 1645, NORTHERN (FILE NO. C98-203 JWA)

The hearing of Police Officer Patrick J. Cesari, Star No. 1645, was ealled it having been set for this date. Offieer Cesari was charged, in a properly verified complaint by Fred H. Lau, Chief of Police of the San Franeisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in eonduct which subverts the good order, effieiency and diseipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Franciseo Poliee Department);

SPECIFICATION NO. 2

Engaging in eonduet whieh subverts the good order, effieieney or discipline of the department or whieh refleets discredit upon the department (violation of Rule 9 of Department General Order 2.01 of the San Franciseo Poliee Department);

SPECIFICATION NO. 3

Failure to answer questions truthfully and without evasion (violation of Rule 21 of Department General Order 2.01 of the San Franeiseo Poliee Department).
Employee Relations Unit
Employees' Retirement System
May 20, 1999
Page 2

Offieer Patriek J. Cesari appeared in person and was represented by Officer Richard Struckman, POA.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Cesari admitted to Specification Nos. 1 and 2 eontained in File No. C98-203 JWA. Offieer Cesari personally affirmed the admission in these matters and aeeepts responsibility for his aets.

The Department moves to withdraw Specification No. 3.

Based on Offieer Cesari's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the reeommendation of the Chief of Police that Offieer Patriek J. Cesari be suspended for ninety (90) days, that forty-five (45) days be held in abeyanee for two (2) years on condition of his good behavior and not reeeiving sustained eomplaints of miseonduet during the two years. The department moves to withdraw Speeifieation No. 3 from the Commission's consideration.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 54-99

DECISION-HEARING OF OFFICER PATRICK J. CESARI, STAR NO. 1645 (FILE NO. C98-203 JWA)

WHEREAS, on June 17, 1999, Fred H. Lau, Chief of Poliee of the San

Francisco Police Department, made and served charges against Officer Patrick J. Cesari, as follows:

SPECIFICATION NO. 1:

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, Patrick J. Cesari, Star Number 1645 (hereinafter referred to as, "the accused"), is and was a police officer employed by the San Francisco Police Department and assigned to Northern Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On February 18, 1998, the accused was off duty and became involved in an incident with a citizen (hereinafter referred to as, "the victim") who was exiting a San Francisco Municipal Railway Light Rail Vehicle (LRV);

(4) On February 18, 1998, at approximately 0710 hours, the accused was off-duty operating his personal vehicle proceeding Westbound on Irving approaching 9th Avenue. The victim was a passenger on a Westbound LRV which had come to a stop for an arterial red light at Irving Street and 9th Avenue. The accused's vehicle passed by the LRV and came to a stop near the front end of the LRV (to the LRV's immediate right). Both the accused's vehicle and the previously stopped LRV were now stopped for the same Westbound arterial red light at Irving Street and 9th Avenue in the City of San Francisco, State of California;

(5) The victim exited the LRV from the front-most exit next to the driver. Believing that the accused's actions had impeded his safe exit from the LRV, the victim kicked the rear bumper of the accused's vehicle. The victim also shouted at the accused and told him that he was an "asshole" for disregarding the safety of people who were getting on and off the LRV;

(6) The accused immediately exited his vehicle to inspect for any damage. The accused grabbed the victim by the collar of the victim's jacket and pushed him back and forth while stating repeatedly, "Do you want to go to jail?" Also during this time, the accused briefly let go of the victim's collar with his left hand, and used his left hand to retrieve his San Francisco Police star;

(7) The accused then struck the victim on the left side of the victim's face with a partially opened right hand. The accused had previously transferred his San Francisco Police star from his left hand to his right hand;

(8) The accused by striking the victim engaged in conduct which in a criminal context is defined as battery in Section 242 of the California Penal Code which states:

"A battery is any willful and unlawful use of force or violence upon a person of another."

(9) The accused, by grabbing and striking the victim as alleged above, has

engaged in conduct which constitutes a willful and unlawful use of force or violence upon the person of another. Any reasonable police officer must know that such conduct violates the standards of the department and is cause for discipline or dismissal from employment, therefore such conduct subverts the good order, efficiency or discipline of the Department, and reflects discredit upon the Department in violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the state that tends to subvert the order, efficiency or discipline of the department, or reflects discredit upon the department or any member, or is prejudicial to the efficiency and discipline of the department, although not specifically defined or set forth in department policies and procedures, shall be considered unofficer like conduct subject to disciplinary action."

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(10) Paragraphs (1) through (9) of Specification No. 1 stated above are incorporated in this paragraph by reference as though set forth in full;

(11) The accused, by invoking his peach officer powers while illegally striking the victim, has acted in a manner which violates Rule 45 of Department General Order 2.01 of the San Francisco Police Department, which states:

"Members shall not use or attempt to use their official positions for securing personal privileges beyond what is authorized by law, or for avoiding the consequences of illegal conduct."

(12) The accused, by grabbing the victim around the collar, and pushing him back and forth while asking, "Do you want to go to jail?" has engaged in behavior which was meant to use his position as Police Officer to avoid the consequences of illegal conduct. Any reasonable police officer must know that such conduct violates the standards of the department and is cause for discipline or dismissal from employment, therefore such conduct subverts the good order, efficiency or discipline of the Department, and reflects discredit upon the Department in violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the state that tends to subvert the order, efficiency or discipline of the department, or reflects discredit upon the department or any member, or is prejudicial to the efficiency and discipline of the department, although not specifically defined or set forth in department policies and procedures, shall be considered unofficer like conduct subject to disciplinary action."

SPECIFICATION NO. 3

~~Failure to answer questions truthfully and without evasion (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department):~~

~~(13) Paragraphs (1) through (12) of Specifications No. 1 and No. 2 stated above are incorporated in this paragraph by reference as though set~~

~~forth in full;~~

~~(14) When interviewed by a Management Control Division investigator on March 16, 1998, the accused stated under direct questioning that he did not strike the victim;~~

~~(15) The accused, by denying that he struck the victim under questioning by a superior officer, has violated Rule 21 of Department General Order 2.01 of the San Francisco Police Department, which states:~~

~~"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion."~~

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City and County of San Francisco on May 5, 1999 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Patrick J. Cesari's admission, the Commission finds the allegations contained in Specifications No. 1 and 2 as preferred by Chief of Police Fred H. Lau against Officer Cesari are sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 - Sustained

SPECIFICATION NO. 2 - Sustained

SPECIFICATION NO. 3 - Withdrawn

That Officer Patrick J. Cesari be suspended for ninety (90) days, that forty-five (45) days be held in abeyance for two (2) years on condition of his good behavior and not receiving sustained complaints of misconduct during the two years.

FURTHER RESOLVED, that said forty-five (45) day suspension shall commence on Saturday, May 8, 1999, at 0001 hours, and terminate on Monday, June 21, 1999, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

Thereafter, the meeting was adjourned.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

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Vice President

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Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

/99

REGULAR MEETING
WEDNESDAY, MAY 12, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Discussion and Action re: OCC Policy Recommendations regarding Pepper Spray
7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
8. Hearing and Disposition on Disciplinary Charges filed against Officer Steven J. Landi, Support Services (File No. C56-044 RLC)

****There will be Public Comments on any item before or during discussion of each item.***

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MAY 12, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioner Herrera, Chan, Norman, Perry, Friday

HEARING AND DISPOSITION ON DISCIPLINARY CHARGES FILED AGAINST OFFICER STEVEN J. LANDI, SUPPORT SERVICES (FILE NO. C56-044 RLC)

Taken out of order. Put over to June 2nd.

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

District meeting next week, 5/19/99. There will be no meeting on 5/26/99.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Deputy Chief Welch for Chief Lau introduced Captain Frank O'Malley, Airport Bureau.

Captain O'Malley introduced Officers Bob Mazzola and Larry Higgins of the Airport Bureau. Mr. Yuen, FAA Administrator, presented the officers with awards of appreciation.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap discussed staffing and stated that the budget is fully budgeted.

RESOLUTION NO. 55-99

APPROVAL OF OCC POLICY RECOMMENDATIONS RE: PEPPER SPRAY

RESOLVED, that the Police Commission hereby approves the following OCC Policy Recommendations regarding the use of OC (pepper spray):

1. Conduct Department-wide review to determine which members have not received training in the proper use of OC and proper treatment of those exposed to OC.

2. Implement recommendations made by the Custody Death Task Force related to safe positioning and transportation of arrestees.

3. Issue General Order regarding care and treatment of individuals displaying altered mental status and risks associated with positional asphyxia. Update training regarding the same.

4. Revise DGO 5.01 to require medical treatment, including face and eye rinsing of all individuals who have been exposed to pepper spray.

5. Develop database to record and monitor in-custody deaths.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

PUBLIC COMMENTS re: OCC Policy Recommendations

John Crew, ACLU, thanked the OCC and the Department for allowing ACLU input and participation in meetings to discuss training.

Commissioner Herrera discussed database to track data and asked the department to track pepper spray use. He further discussed possibility of semi-annual report regarding use of pepper spray.

PUBLIC COMMENTS

John Crew, ACLU, discussed seizure of autos of persons buying drugs or solicits prostitution.

Thereafter, the meeting was adjourned at 6:25 p.m.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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THE
SAN FRANCISCO POLICE COMMISSION
AND
INGLESIDE POLICE STATION

Calendar of Proceedings

CORDIALLY INVITE YOU AND YOUR NEIGHBORS
TO ATTEND THE MONTHLY MEETING OF

THE SAN FRANCISCO POLICE COMMISSION

WEDNESDAY, MAY 19, 1999
TIME: 6:00 P.M.

CORPUS CHRISTI CHURCH
62 SANTA ROSA AVENUE
(THE HALL IS LOCATED ON THE WEST SIDE OF THE BUILDING)

COME AND MEET THE SAN FRANCISCO POLICE
COMMISSION. THERE WILL BE A PUBLIC COMMENT
SESSION DURING THE MEETING.

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CITY AND COUNTY OF SAN FRANCISCO

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CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 19, 1999
6:00 p.m.

INGLESIDE DISTRICT
Corpus Christi Church
62 Santa Rosa Avenue
San Francisco

99-05-18A11:21 RCVD

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
6. Captain Richard Bruce, Commanding Officer of Ingleside Station, to address the Commission on Police Activities in the Ingleside District
7. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

** There will be Public Comments on any item before or during discussion of each item.*

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MAY 19, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Ingleside District at Corpus Christi Church, 62 Santa Rosa Avenue, San Francisco, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Perry, Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Herrera greeted the audience and introduced the Commission. Commissioners Chan, Perry, Friday, and Norman greeted the audience.

No meeting on May 26th.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau defers to Captain Bruce.

Assistant Chief Sanders introduced visitors from Amsterdam.

Chief Lau commended Captain Bruce.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET, AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap described the duties of the OCC.

CAPTAIN RICHARD BRUCE, COMMANDING OFFICER OF INGLESIDE STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE INGLESIDE DISTRICT

Captain Richard Bruce addressed the Commission regarding activities in the Ingleside District.

PUBLIC COMMENTS re: Ingleside District

Unidentified discussed concerns regarding Department of Parking and Traffic and thanked Captain Bruce.

Steve Currier, President Outer Residents Association, discussed concerns regarding massage parlors.

David Hooper commended officers of Ingleside.

Mike Kelly, Bernal Heights, discussed vandalism and commended Captain Bruce.

Unidentified discussed concerns regarding traffic fatalities.

Andrea O'Leary discussed concerns regarding parks and dogs in the park.

Mickey Saxon commended Captain Bruce and discussed staffing.

Barbara Smith commended Captain Bruce and discussed vehicle traffic.

Joel Tate commended Captain Bruce and the officers of Ingleside and discussed drugs in middle schools.

Linda Willard commended members of Ingleside.

PUBLIC COMMENTS

Daniel Paez discussed concerns regarding actions of police.

Sandra Scott discussed concerns regarding drug activities.

Walter Jebbe commended Captain Bruce.

Rebecca Silverberg commended beat officers and asked more needed officers.

Robert Kuletetch discussed traffic problems.

Juan Martin discussed homeless issues.

Maurice Ciavella discussed youth issues.

Thereafter, the meeting was adjourned at 7:40 p.m.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

APPROVAL OF CONSENT CALENDAR

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meeting on *Wednesday, May 26, 1999.* The next Police Commission Regular Meeting will be on Wednesday, June 2, 1999, at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, San Francisco, 5:30 p.m.

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APPROVAL OF CONSENT CALENDAR

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

/99

REGULAR MEETING
WEDNESDAY, JUNE 2, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
8. Hearing and Disposition on Disciplinary Charges filed against Officer Steven J. Landi, Support Services (File No. C56-044 RLC)

**There will be Public Comments on any item before or during discussion of each item.*

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APPROVAL OF CONSENT CALENDAR

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 2, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation of a .357 Smith & Wesson Revolver from Mr. John H. Hubbard for use of the San Francisco Police Department

JUNE 2, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

APPROVAL OF CONSENT CALENDAR

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO ACCEPT DONATION OF A .357 SMITH & WESSON REVOLVER FROM MR. JOHN H. HUBBARD FOR USE OF THE SAN FRANCISCO POLICE DEPARTMENT

Request rescinded.

POLICE COMMISSION ANNOUNCEMENTS

a. **Motion of Calendaring of New Items**

Commissioner Perry asked that Community Policing be calendared in August.

Commissioner Herrera announced meeting for the 23rd will be at the Bayview District and that there will be no meeting June 30th.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau stated budget have been submitted with 5 percent increase.
Commissioner Friday discussed sidewalk dining.
Commissioner Perry asked the Chief regarding Cadet Program.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap stated that the 1st Quarter statistics will be submitted soon. She also discussed meeting with POA and other labor organizations on May 21st.

PUBLIC COMMENTS

None.

HEARING OF OFFICER STEVEN J. LANDI, STAR NO. 937, MEDICAL LIAISON

The hearing of Police Officer Steven J. Landi, Star No. 937, was called it having been set for this date. Officer Landi was charged in a properly verified complaint by Anthony D. Ribera, former Chief of Police of the San Francisco Police Department with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to obey written or verbal directives of a superior (a violation of Rule 10 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to obey written or verbal directives of a superior (a violation of rule 10 of General Order 2.01 of the San Francisco Police Department).

Officer Steven J. Landi appeared in person and was represented by Mr. Mark Nicco, Attorney at law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Nicco asked that the matter be put over; Commission denied request.

Closing arguments were made by Mr. Akins and Mr. Nicco

The Commission took the matter under submission, retired to deliberate, and sustained Specification No. 1 and No. 2. The Commission requested a recommendation from Chief of Police Fred H. Lau. It was the recommendation of the Chief of Police that Officer Steven J. Landi be terminated from his employment with the San Francisco Police Department; said termination be held in abeyance for five (5) years, and that Officer Landi serve a 180-day suspension less days already served, and that he shall receive no back-pay.

The following witness was called by the Defense, was sworn and testified:

Mr. Michael E. Mitchell

Based on these proceedings, the following resolution was adopted:

RESOLUTION 56-99

DECISION - HEARING OF OFFICER STEVEN J. LANDI, STAR NO. 937, MEDICAL LIAISON (FILE NO. C56-044 RLC)

WHEREAS, on September 20, 1995, Anthony D. Ribera, former Chief of Police of the San Francisco Police Department, made and served charges against Officer Steven J. Landi, as follows:

SPECIFICATION NO. 1

Failure to obey written or verbal directives of a superior (a violation of Rule 10 of General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, Officer Steven J. Landi, Star Number 937, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Support Services Division;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On or about September 14, 1995, the accused became part of the focus of a Management Control administrative investigation;

(4) On September 14, 1995, at 2200 hours, a notification was delivered to the accused's attorney which ordered the accused to appear at the Management Control Division on September 15, 1995 at 1500 hours for purposes of being interviewed. Subsequent to that notification, and pursuant to agreement, the time set for appearance at the Management Control Division was changed to 1400 hours;

(5) On September 15, 19915 at 1400 hours, the accused failed to appear at the Management Control Division as ordered;

(6) On September 15, 1995, at approximately 1430 hours, an officer of Police Officers' Association contacted the Management Control Division and requested that the accused's interview be rescheduled. The commanding officer of the Management Control Division denied this request and directed that the accused report to the Management Control Division;

(7) On September 15, 1995, at 1600 hours, the accused's attorney contacted the Commanding Officer of the Management Control Division and requested that the interview of the accused be postponed. This request was denied, and it was reiterated that the accused was ordered to report to the Management Control Division. Thereafter, the accused failed to report to the Management Control Division as ordered;

(8) The accused, by failing and/or refusing to obey an order from a superior officer to report to the Management Control Division on September 15, 1995, has engaged in conduct which violates Rule 10 of General Order 2.01 of the San Francisco Police Department, which states:

"10. WRITTEN ORDERS. Members shall obey all written orders, policies and procedures of the Department, and promptly obey all lawful written or verbal directives of superiors."

SPECIFICATION NO. 2

Failure to obey written or verbal directives of a superior (a violation of Rule 10 of General Order 2.01 of the San Francisco Police Department):

(9) Paragraphs 1 through 8 of Specification No. 1 herein are realleged and incorporated herein by reference as though set forth in full;

(10) On September 15, 1995, the accused was delivered a written order to appear at the Management Control Division on September 19, 1995 at 1130 hours. Thereafter, the accused failed to appear as ordered;

(11) The accused, by failing and/or refusing to obey an order from a superior officer to report to the Management Control Division on September 19, 1995, has engaged in conduct which violates Rule 10 of General order 2.01 of the San Francisco Police Department, which states:

"10. WRITTEN ORDERS. Members shall obey all written orders, policies and procedures of the Department, and promptly obey all lawful written or verbal directives of superiors."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A8.343 of the Charter of the City and County of San Francisco on March 4, 1999, and on June 2, 1999 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds the allegations contained in Specification No. 1 and No. 2 as preferred by former Chief of Police Anthony Ribera against Officer Landi are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 - Sustained
SPECIFICATION NO. 2 - Sustained

That Officer Steven J. Landi be terminated from his employment with the San Francisco Police Department; said termination be held in abeyance for five (5) years, and that Officer Landi shall serve a 180-day suspension less fifty-six (56) days already served, and that he shall receive no back-pay.

FURTHER RESOLVED, that said remaining 124-day suspension shall commence on Thursday, June 3, 1999, at 0001 hours, and terminate on Monday, October 4, 1999, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure Section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, Section 1094.6.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

Thereafter, the meeting was adjourned.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 9, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Status Report re: Crimes Against Sex Workers
7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

****There will be Public Comments on any item before or during discussion of each item.***

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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JUNE 9, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Perry Friday

POLICE COMMISSION ANNOUNCEMENTS

a. **Motion of Calendaring of New Items**

Commissioner Chan stated he will not be able to attend meeting of June 16th.

Commissioner Herrera asked update regarding roll call training.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau stated he issued a press release regarding police in schools. He further discussed Board of Education resolution regarding officers in campus.

Commissioner Norman expressed concerns regarding Board of Education action.

Assistant Chief Sanders presented certificate of appreciation to David Heller and Mila Balski.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap announced the birth of the son of Jean Fields on June 7th. She also stated the budget is moving smoothly.

STATUS REPORT RE: CRIMES AGAINST SEX WORKERS

Deputy Chief Holder briefed the Commission regarding staffing and reorganization of Vice Crimes Division. He described recent activities and arrests of persons by the Vice Crimes Unit.

Commissioner Norman thanked Chief Holder and Lt. Ray Kilroy for their efforts.

PUBLIC COMMENTS re: Crimes against Sex Workers:

Terry Goodson discussed concerns regarding actions of police.

Norma Notalig, SAGE Project, commended Deputy Chief Holder and supports efforts of the Department.

PUBLIC COMMENTS

Jeff Snypes, Homeless Coalition, discussed concerns regarding actions of Officer Paul Swiatko.

Emperor Arcadia discussed concerns regarding actions of Officer Swiatko.

Ron, Homes Coalition, discussed concerns regarding actions of Officer Swiatko.

Lieutenant Steve Johnson, POA, discussed concerns.

Chris Cunnie, POA President, praised Chief Lau for his actions and response to the Board of Education's action.

Thereafter, the meeting was adjourned at 6:30 p.m.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 16, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance

2. Roll Call

3. Police Commission Announcements
   a. Motion of Calendaring of New Items

4. Chief's Announcements and Review of Recent Department Events

5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events

6. Presentation of OCC's Early Warning Report for Fourth Quarter 1998 and First Quarter 1999

7. Request of the Chief of Police for Approval to Retroactively Apply for, Accept, and Expend Funds to Implement the 1999/2000 Grant Assistance to Local Law Enforcement Agencies Grant offered by the State of California Department of Alcoholic Beverage Control

8. Request of the Chief of Police for Approval to Accept and Expend the Augmentation from OCJP to continue the Operation Revitalization Program

9. Request of the Chief of Police for Approval to Retroactively Apply for, Accept, and Expend Funds from OCJP to Implement the Suppression of Drug Abuse in Schools Program

10. Request of the Chief of Police for Approval to Accept and Expend Funds from OCJP to Implement the "Violence Against Women-Law Enforcement Specialized Units Program

11. Request of the Chief of Police for Approval to Retroactively Apply for, Accept, and Expend Funds from the OCJP to Implement the Community Crime Resistance Program

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

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LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 16, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

12. Request of the Chief of Police for Approval to Retroactively Apply for, Accept, and Expend Funds from OCJP to Implement the Police Department's Component of the Anti-Drug Abatement Program

13. Public Comments
(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

**There will be Public Comments on any item before or during discussion of each item.*

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
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JUNE 16, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Norman, Perry, Friday
ABSENT: Commissioner Chan

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders for Chief Lau reported to the Commission regarding trip to Russia. Chief Sanders also talked about Red Ribbon committee regarding children and drugs. Chief Sanders presented awards to Sgt. Terri Barrett, Sgt. Jennifer Forrester, Dede Hewlett, Lt. PJ Jackson, Evelyn G.R. James, Sgt. James Leach, Veronica Lightfoot, Terry Ryan, Jancie Salarajian, and Andrew Scott.

Commissioner Herrera asked regarding meetings with Board of Education and the department and stated that Commissioner Norman will be liaison for department regarding negotiations.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

No report.

PRESENTATION OF OCC'S EARLY WARNING REPORT FOR FOURTH QUARTER 1998 AND FIRST QUARTER 1999

Director Mary Dunlap presented reports.

RESOLUTION NO. 57-99

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS TO IMPLEMENT THE 1999/2000 GRANT ASSISTANCE TO LOCAL LAW ENFORCEMENT AGENCIES GRANT OFFERED BY THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

RESOLVED. that the Police Commission hereby approves request of the Chief of Police to retroactively apply for. accept. and expend funds to implement the 1999/2000 Grant Assistance to Local Law Enforcement Agencies Grant offered by ABC, including any augmentations, extensions, and modifications.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

At the meeting of the Police Commission on Wednesday, June 16, 1999, the following resolution was adopted:

RESOLUTION NO. 58-99

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO ACCEPT AND EXPEND THE AUGMENTATION FROM OCJP TO CONTINUE THE OPERATION REVITALIZATION PROGRAM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept and expend the augmentation from OCJP to continue the Operation Revitalization Program in the OMI and any additional augmentations, extensions, and modifications.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

RESOLUTION NO. 59-99

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM OCJP TO IMPLEMENT THE SUPPRESSION OF DRUG ABUSE IN SCHOOLS PROGRAM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to apply for retroactively, accept, and expend funds to implement the Suppression of Drug Abuse in Schools Program, including any augmentations, extensions, and modifications.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

RESOLUTION NO. 60-99

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO ACCEPT AND EXPEND FUNDS FROM OCJP TO IMPLEMENT THE VIOLENCE AGAINST WOMEN-LAW ENFORCEMENT SPECIALIZED UNITS PROGRAM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept and expend funds to implement the Violence Against Women-Law Enforcement Specialized Units Program offered by OCJP, and any augmentations, extensions, and modifications.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

RESOLUTION NO. 61-99

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE OCJP TO IMPLEMENT THE COMMUNITY CRIME RESISTANCE PROGRAM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to retroactively apply for, accept, and expend funds to implement the Community Crime Resistance Program offered by OCJP, and any augmentations, extensions, and modifications.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

RESOLUTION NO. 62-99

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM OCJP TO IMPLEMENT THE POLICE DEPARTMENT'S COMPONENT OF THE ANTI-DRUG ABATEMENT PROGRAM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to retroactively apply for, accept, and expend funds to implement the Police Department's component of the Anti-Drug Abatement Program offered by OCJP, and any augmentations, extensions, and modifications.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

THE
SAN FRANCISCO POLICE COMMISSION
AND
BAYVIEW POLICE STATION

Calendar of Proceedings

Cordially Invites You
To Attend the Monthly Meeting of

THE SAN FRANCISCO POLICE COMMISSION

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JUN 22 1999

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Wednesday, June 23, 1999
Time: 6:00 PM

BAYVIEW POLICE STATION
201 Williams Street
Community Room

Come and Meet the San Francisco Police Commission.
There will be a Public Comment Session During the Meeting

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
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Vice President

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CONNIE PERRY
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WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 23, 1999
6:00 p.m.

BAYVIEW DISTRICT
BAYVIEW POLICE STATION
Community Room
201 Williams Street
San Francisco

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
6. Request of the Chief of Police for Approval to Authorize the Deputy Chief of Police of Administration to Sign and Enter into an Agreement with the State of California Highway Patrol for Use of the Lake Merced and Airport Firing Ranges
7. Captain Ron Roth, Commanding Officer of Bayview Station, to address the Commission on Police Activities in the Bayview District
8. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

** There will be Public Comments on any item before or during discussion of each item.*

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JUNE 23, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Bayview District, Bayview Police Station Community Room, 201 Williams Street, San Francisco, at 6:05 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Norman, Perry, Friday
ABSENT: Commissioner Herrera

POLICE COMMISSION ANNOUNCEMENTS

a. **Motion of Calendaring of New Items**

Commissioner Chan welcomed the audience. Commissioners Norman, Perry, and Friday greeted the audience and introduced themselves.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau introduced the command staff and talked about Board of Education's resolution regarding safety in schools.

Commissioner Norman stated Commission supports the Chief's decision not to disarm police at schools.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET, AND SUMMARY OF RECENT EVENTS

River Ginchild-Abeje for Director Mary Dunlap discussed duties and responsibilities of the OCC.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO AUTHORIZE THE DEPUTY CHIEF OF POLICE OF ADMINISTRATION TO SIGN AND ENTER INTO AN AGREEMENT WITH THE STATE OF CALIFORNIA HIGHWAY PATROL FOR USE OF THE LAKE MERCED AND AIRPORT FIRING RANGES

Put over to July 7th.

CAPTAIN RON ROTH, COMMANDING OFFICER OF BAYVIEW STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE BAYVIEW DISTRICT

Captain Roth described activities in Bayview District.

PUBLIC COMMENTS

Ray Bozini, resident, commended Captain Roth.

Barbara Bushnell, President R.O.S.E.S., commended Captain Roth.

Joe Gallaread, resident, commended Captain Roth and described problems with junk autos.

Jim Kelley commended Captain Roth.

Anthony Travis asked for funding for youth group.

Mark Phillips, citizens patrol, commended Captain Roth.

Katherine Snead, Director Garden Project, commended Captain Roth and officers of Bayview Station.

Mr. Sheasly, resident, discussed warrant services system.

Pauline Fields, resident, commended Captain Roth.

George Williams, Garden Project, asked for funding for Garden Project.

Irene Crenshaw, resident, commended Captain Roth and Garden Project.

Karen Coleman, SF State University, commended Captain Roth.

Thereafter, the meeting was adjourned at 7:30 p.m.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meeting on ***Wednesday, June 30, 1999.*** The next Police Commission Regular Meeting will be on **Wednesday, July 7, 1999**, at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, San Francisco, 5:30 p.m.

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WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 7, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Inspector Daniel Gardner, Investigations (File No. JWA C99-115)
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Request of the Chief of Police for Approval to Authorize the Deputy Chief of Police of Administration to Sign and Enter into an Agreement with the State of California Highway Patrol for Use of the Lake Merced and Airport Firing Range
8. Request of the Chief of Police for Approval and Acceptance of Boating Safety and Enforcement Vessel Replacement Grant from The State of California Department of Boating and Waterways
9. Request of the Chief of Police for Approval and Acceptance of Boating Safety and Enforcement Equipment Grant from The State of California Department of Boating and Waterways
10. Discussion and Action re: Revised General Order 6.03, "Underwater Recovery Unit"
11. Discussion and Action re: Revised General Order 7.01, "Juvenile Policies and Procedures"
12. Discussion and Action re: Revised General Order 8.10, "Guidelines for First Amendment Activities"

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 7, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

13. Public Comments
(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

**There will be Public Comments on any item before or during discussion of each item.*

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JULY 7, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

POLICE COMMISSION ANNOUNCEMENTS

a. **Motion of Calendaring of New Items**

Commissioner Herrera announced he'll be out of town from July 31st to August 12th.

Medal Ceremony will be on Wednesday, July 14th.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau announced capture of stabbing suspect from Fillmore. He also stated arrest of homicide suspect from 187 48th Avenue, Drug Rehab Center. The Chief also stated appointment of 2 captains, 4 lieutenants, 6 sergeants, and 9 assistant inspectors, on July 10th.

Deputy Chief Pengel introduced CORO Foundation intern, a junior at Lick Wilmerding High School, Zoe Duskin.

RESOLUTION NO. 63-99

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST INSPECTOR DANIEL GARDNER, INVESTIGATIONS, FILE NO. C99-115 JWA

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Inspector Daniel Gardner, Star No. 1459, Investigations, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Gardner; therefore be it

RESOLVED, that Commissioner Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Daniel Gardner, and is to be set at a later date.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap stated that the OCC monitored numerous events over the 4th of July weekend. She also stated that 115 cases were closed in June with which 11 were sustained.

RESOLUTION NO. 64-99

APPROVAL TO AUTHORIZE THE DEPUTY CHIEF OF POLICE OF ADMINISTRATION TO SIGN AND ENTER INTO AN AGREEMENT WITH THE STATE OF CALIFORNIA HIGHWAY PATROL FOR USE OF THE LAKE MERCED FIRING RANGE

WHEREAS, Sergeant Mickey Griffin, Range, presented the agreement and asked to amend and eliminate the use of the Airport Firing Range: therefore be it

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to authorize the Deputy Chief of Police of Administration to sign and enter into an agreement with the State of California Highway Patrol for use of the Lake Merced Firing Range; and

FURTHER RESOLVED, that the Police Commission hereby approves amendment to the agreement to eliminate the use of the Airport Firing Range.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

RESOLUTION NO. 65-99

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO APPLY FOR RETROACTIVELY, ACCEPT AND EXPEND FUNDS TO IMPLEMENT THE STATE OF CALIFORNIA-DEPARTMENT OF BOATING AND WATERWAYS GRANT TO PURCHASE A VESSEL FOR SFPD MARINE UNIT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to retroactively apply for, accept, and expend funds to implement the State of California-Department of Boating and Waterways Grant to purchase a vessel for SFPD Marine Unit, including any augmentations, extensions, and modifications.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

RESOLUTION NO. 66-99

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO APPLY FOR RETROACTIVELY, ACCEPT AND EXPEND FUNDS TO IMPLEMENT THE STATE OF CALIFORNIA-DEPARTMENT OF BOATING AND WATERWAYS GRANT TO PURCHASE MARINE EQUIPMENT FOR THE SFPD MARINE UNIT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to retroactively apply for, accept, and expend funds to implement the State of California-Department of Boating and Waterways Grant to purchase marine equipment for the SFPD Marine Unit, including any augmentations, extensions, and modifications.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 6.03, "UNDERWATER RECOVERY UNIT"

Over to July 21st.

DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 7.01, "JUVENILE POLICIES AND PROCEDURES"

Over to July 21st.

DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 8.10, "GUIDELINES FOR FIRST AMENDMENT ACTIVITIES"

Over to July 21st.

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 5:55 p.m.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

None

Thereafter, the meeting was adjourned at 5:55 p.m.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

and NOTICE OF SPECIAL MEETING
WEDNESDAY, JULY 21, 1999
5:00 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Roll Call
2. Public Comment on all matters pertaining to the Closed Session
3. Vote on whether to hold Closed Session (San Francisco Administrative Code Section 67.8(4))
4. Closed Session held pursuant to Government Code 54957 and San Francisco Administrative Code Section 67.8(4)

   PUBLIC EMPLOYEE EVALUATION

   a. Chief of Police Fred H. Lau

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 21, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on whether to Disclose Action taken in Closed Session
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Special Report re: Performance and Productivity as to Complaint Caseload
7. Discussion and Action re: Revised General Order 6.03, "Underwater Recovery Unit"
8. Discussion and Action re: Revised General Order 8.10, "Guidelines for First Amendment Activities"
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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The Police Commission

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Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 21, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

10. Hearing and Disposition on Disciplinary Charges filed against Inspector Daniel P. Gardner, Investigations (File No. JWA C99-115)

**There will be Public Comments on any item before or during discussion of each item.*

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

JULY 21, 1999 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:20 p.m. to 5:40 p.m., in Closed Session.

PUBLIC EMPLOYEE EVALUATION

a. Chief of Police Fred H. Lau

PRESENT: Commissioners Herrera, Perry, Friday
ABSENT: Commissioners Chan, Norman

JULY 21, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Perry, Friday
ABSENT: Commissioners Chan, Norman

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE ACTION TAKEN IN CLOSED SESSION

The Commission evaluated Chief Lau and approved evaluation.

POLICE COMMISSION ANNOUNCEMENTS

a. Motion on Calendaring of New Items

Commissioner Herrera thanked Lieutenant Barretta for the Awards Ceremony.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

No report.

OCC DIRECTOR'S SPECIAL REPORT RE: PERFORMANCE AND PRODUCTIVITY AS TO COMPLAINT CASELOAD

Director Mary Dunlap presented report.

RESOLUTION NO. 67-99

ADOPTION OF REVISED GENERAL ORDER 6.03, "UNDERWATER RECOVERY UNIT"

RESOLVED, that the Police Commission hereby adopts revised General Order 6.03, "Underwater Recovery Unit."

AYES: Commissioners Herrera, Perry, Friday
ABSENT: Commissioners Chan, Norman

RESOLUTION NO.68-99

ADOPTION OF REVISED GENERAL ORDER 8.10, "GUIDELINES FOR FIRST AMENDMENT ACTIVITIES"

RESOLVED, that the Police Commission hereby adopts revised General Order 8.10, "Guidelines for First Amendment Activities."

AYES: Commissioners Herrera, Perry, Friday

ABSENT: Commissioners Chan, Norman

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 6:15 p.m.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

~~ANNOUNCEMENTS~~

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 28, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

**There will be Public Comments on any item before or during discussion of each item.*

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JULY 28, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Norman, Perry, Friday
ABSENT: Commissioner Herrera

POLICE COMMISSION ANNOUNCEMENTS

a. **Motion of Calendaring of New Items**

No report.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

No report.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

No report.

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 5:40 p.m.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

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Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 4, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Discussion and Action re: Revised General Order 5.10, "False Alarms"
8. Discussion and Action re: Revised General Order 1.02, "District Boundaries"
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
10. Hearing and Disposition on Disciplinary Charges filed against Inspector Daniel P. Gardner, Star No. 1459, Investigations (File No. C99-115 JWA)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation of Office Furnishings from Graebel Van Lines for use of the San Francisco Police Department

There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
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AUGUST 4, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Norman, Perry, Friday
ABSENT: Commissioner Herrera

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 72-99

APPROVAL TO ACCEPT DONATION OF OFFICE FURNISHINGS FROM GRAEBEL VAN LINES FOR USE OF THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of office furnishings from Graebel Van Lines for use of the San Francisco Police Department.

AYES: Commissioners Chan, Norman, Perry, Friday
ABSENT: Commissioner Herrera

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

No meeting next week. Next meeting will be on 8/18/99.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau stated the Department will be taking children to the circus on September 2nd. He also discussed celebration of SFPD's 150th Anniversary on August 18th.

Chief Lau stated that October 2nd will be the Family Day Picnic at the Range.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

No representative.

RESOLUTION NO. 69-99

ADOPTION OF REVISED GENERAL ORDER 5.10, "FALSE ALARMS"

RESOLVED, that the Police Commission hereby adopts revised General Order 5.10, "False Alarms."

AYES: Commissioners Chan, Norman, Perry, Friday
ABSENT: Commissioner Herrera

RESOLUTION NO. 70-99

ADOPTION OF REVISED GENERAL ORDER 1.02, "DISTRICT BOUNDARIES"

RESOLVED, that the Police Commission hereby adopts revised General Order 1.02, "District Boundaries."

AYES: Commissioners Chan, Norman, Perry, Friday

ABSENT: Commissioner Herrera

PUBLIC COMMENTS

None.

HEARING OF INSPECTOR DANIEL P. GARDNER, STAR NO. 1459, INVESTIGATIONS (FILE NO. C99-115 JWA)

The hearing of Inspector Daniel P. Gardner, Star No. 1459, was called it having been set for this date. Inspector Gardner was charged, in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

[Not reporting receipt of confidential test materials; harassing Consent Decree Unit] Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

[Not taking police action or reporting serious incident] Failing and neglecting to report the information he possessed concerning the compromise of the examination to his superiors in the police department (violated Rules 1, 25 and/or 26 of Department General Order 2.01).

Inspector Daniel P. Gardner appeared in person and was represented by Mr. James Collins, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Inspector Gardner admitted to the specifications contained in File No. C99-115 JWA. Inspector Gardner personally affirmed the admission in these matters and accepts responsibility for his acts.

Based on Inspector Gardner's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that Inspector Daniel P. Gardner be terminated; that said termination be held in abeyance for five (5) years on the following conditions:

1. On condition of Inspector Gardner's good conduct and that he not receive sustained complaints of misconduct during those five (5) years;

2. That Inspector Gardner be suspended for ninety (90) days on each specification, forty-five (45) days of each shall be served immediately and forty-five (45) days shall be held in abeyance for five (5) years [ninety (90) days served immediately and ninety (90) days held in abeyance];

3. That Inspector Gardner shall consult with the Behavioral Sciences Unit for evaluation and shall follow the prescription for counseling or treatment, if any, in that connection. Behavioral Science Unit shall make quarterly reports to the Commission regarding compliance with any prescription and recommend an end to counseling should it be prescribed.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 71-99

DECISION - HEARING OF INSPECTOR DANIEL P. GARDNER, INVESTIGATIONS
(FILE NO. C99-115 JWA)

WHEREAS, on July 1, 1999, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Inspector Daniel P. Gardner, as follows:

SPECIFICATION NO. 1

[Not reporting receipt of confidential test materials; harassing Consent Decree Unit] Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

b. At all times herein mentioned Inspector DANIEL P. GARDNER, Star Number 1459, (herein referred to as "the accused") was a police officer employed by the San Francisco Police Department holding the dual rank of Sergeant and Inspector, assigned to the Management Control Division.

c. As an officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department. During 1997, the accused tutored several department members who were preparing for a Civil Service examination, the Q-35 Assistant Inspector's Examination, (Q-35 Examination) scheduled for September 9 & 10, 1997. The Q-35 Examination was to be administered by the Consent Decree Unit of the San Francisco Police Department and the testing materials were confidential. Senior members of the department participated in developing the Q-35 Examination and prescribing the specific subjects for the test.

d. On September 8, 1997, at about 0830 hours, another member of the department showed the accused a copy of materials detailing the confidential subject matter of one major written portion of the imminent Q-35 Examination. The accused did not report the compromise of the test to his superiors in the department when he learned of the materials.

e. On September 8, 1997 at about 1000 hours, the accused placed an anonymous telephone call to the Consent Decree Unit of the San Francisco Police Department to harass members of that Unit by telling them that he had the testing materials and telling them what he believed to be the subject matter of the examination. From the reaction of the members of the unit, the accused became convinced that the materials he obtained comprised genuine testing materials.

f. Believing that the examination information in his possession was genuine, the accused placed telephone calls to one or more members of the department who he knew were preparing to participate in the Inspector's Examination process.

g. The accused, by making an anonymous and harassing telephone call to the Consent Decree Unit after receiving confidential testing information, engaged in conduct which any reasonable police officer must know is conduct that violates the standards of the departmentand is cause for discipline or dismissal from employment, therefore, such conduct subverts the good order, efficiency or discipline of the Department, and reflects discredit upon the Department in violation of Rule 9 of Department General Order 2.01, which states:

MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, thought not specifically defined or

set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2:

[Not taking police action or reporting serious incident] Failing and neglecting to report the information he possessed concerning the compromise of the examination to his superiors in the police department (violated Rules 1, 25 and/or 26 of Department General Order 2.01).

h. The allegations contained in paragraphs 1 through 6 of Specification No. 1, are realleged as though set forth in full.

i. On September 8, 1997, in the afternoon, the Department canceled the Q-35 Examination after it was learned that the examination was compromised. Shortly after the Q-35 Examination was canceled, the accused learned that the Q-35 Examination was canceled and that the Management Control Division would be investigating the matter. When he learned these facts, the accused telephoned his direct supervisor, the Commanding Officer of the Management Control Division. The accused did not disclose the important information he knew about the compromise of the examination and he did not explain his role in the compromise of the Q-35 Examination to his supervisor at any time on September 8, 1997. The accused did not disclose the information he possessed regarding the compromise of the Q-35 Examination to any department supervisor until September 9 and 10, 1997.

j. The accused did not take any police action and also did not report the compromise of the examination process and his role in it to his superiors in the police department. By failing and neglecting to report the information he possessed concerning the compromise of the examination to his superiors in the police department, the accused engaged in conduct which violated Rules 1, 25 and/or 26 of Department General Order 2.01, which state:

1. ATTENTION TO DUTY. "The basic mission of the San Francisco Police Department and its officers is to protect life and property, to preserve the peace, prevent crime, enforce criminal laws and ordinances, and to regulate non-criminal conduct as provided by law. While on-duty, officers shall devote their entire time to the achievement of this mission within the context of their respective assignments."

25. ON-DUTY WRITTEN REPORTS. "While on-duty, members shall make all required written reports of crimes or incidents requiring police attention."

26. OFF-DUTY REPORTING. "Officers shall, when off-duty, report any serious crime or urgent police matter brought to their attention. Officers shall report any incident in which they become involved as peace officer."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A8.343 of the Charter of the City and County of San Francisco on August 4, 1999 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Inspector Gardner's admission, the Commission finds the allegations contained in Specifications No. 1 and 2 as preferred by Chief of Police Fred H. Lau against Inspector Gardner are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 - Sustained
SPECIFICATION NO. 2 - Sustained

That Inspector Daniel P. Gardner be terminated; that said termination be held in abeyance for five (5) years on the following conditions:

1. On condition of Inspector Gardner's good conduct and that he not receive sustained complaints of misconduct during those five (5) years;

2. That Inspector Gardner be suspended for ninety (90) days on each specification, forty-five (45) days of each shall be served immediately and forty-five (45) days shall be held in abeyance for five (5) years [ninety (90) days served immediately and ninety (90) days held in abeyance];

3. That Inspector Gardner shall consult with the Behavioral Sciences Unit for evaluation and shall follow the prescription for counseling or treatment, if any, in that connection. Behavioral Science Unit shall make quarterly reports to the Commission regarding compliance with any prescription and recommend an end to counseling should it be prescribed.

FURTHER RESOLVED, that said total ninety (90) day suspension shall commence on Saturday, August 7, 1999, at 0001 hours, and shall terminate on Thursday, November 4, 1999, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Chan, Norman, Perry, Friday
ABSENT: Commissioner Herrera

Thereafter, the meeting was adjourned at 6:00 p.m.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

SF
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#1
8/11/99
No Mtg

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meeting on ***Wednesday, August 11, 1999.*** The next Police Commission Regular Meeting will be on **Wednesday, August 18, 1999**, at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, San Francisco, 5:30 p.m.

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 18, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Lisa Frazier, Support Services (File No. C99-156 JWA)
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation of a 1985 Chevy, Truck Hi-Cube Van, for use of the San Francisco Police Department

**There will be Public Comments on any item before or during discussion of each item.*

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SAN FRANCISCO POLICE COMMISSION

August 18, 1999

There was no meeting held on this date

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 25, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

Fax Copy 1st Posted 8/20/99

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Assignment of Commissioner and Setting of Date for Dating of Evidence on Disciplinary Charges filed against Officer Lisa Frazier, Support Services (File No. C99-156 JWA)
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Presentation of OCC's Statistical Reports for January, February, April, May, 1999, and 1st Quarter and 2nd Quarter Reports 1999
9. Request of the Chief of Police for Approval to Amend Commission Resolution 115-93 to add Two (2) Additional Officers as Screeners of Federal Surplus Property

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 25, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

10. Discussion and Action re: Revised General Order 1.01, "Organizational Structure"

11. Public Comments
(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation of a 1985 Chevy, Truck Hi-Cube Van, for use of the San Francisco Police Department

**There will be Public Comments on any item before or during discussion of each item.*

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AUGUST 25, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Herrera, Chan, Norman, Perry, Friday

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 73-99

APPROVAL TO ACCEPT DONATION OF A 1985 CHEVY TRUCK HI-CUBE VAN FOR USE OF THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of a 1985 Chevy Truck Hi-Cube Van for use of the San Francisco Police Department.

AYES: Commissioner Herrera, Chan, Norman, Perry, Friday

RESOLUTION NO. 74-99

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER LISA FRAZIER, SUPPORT SERVICES DIVISION (FILE NO. C99-156 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Lisa Frazier, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Frazier; therefore be it

RESOLVED, that Commissioner Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Lisa Frazier, and is to be set at a later date.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Deputy Chief Welch for Chief Lau.

Commissioner Herrera asked an update regarding Garcia investigation.

Lieutenant O'Leary, MCD, briefed the Commission on status of the investigation.

Commissioner Herrera asked for a report as quickly as possible.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Defers to next item.

PRESENTATION OF OCC'S STATISTICAL REPORTS FOR JANUARY, FEBRUARY, APRIL, MAY, 1999 AND FIRST QUARTER AND SECOND QUARTER REPORTS 1999

Director Mary Dunlap presented reports.

RESOLUTION NO. 75-99

APPROVAL TO AMEND COMMISSION RESOLUTION NO. 115-93 TO ADD TWO (2) ADDITIONAL OFFICERS AS SCREENERS OF FEDERAL SURPLUS PROPERTY

WHEREAS, on October 20, 1993, the Commission adopted Resolution 115-93, approving the request of the Chief of Police to name five (5) officers as screeners in the acquisition of federal surplus property;

WHEREAS, the Chief of Police requests approval to add two (2) additional officers as screeners of federal surplus property; therefore be it

RESOLVED, that the Police Commission hereby approves the addition of two (2) officers as screeners of federal surplus property.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

PUBLIC COMMENTS

Bruce Kapsack discussed concerns regarding Garcia matter and asked that it be calendared in 90 days.

Daniel Garcia discussed concerns regarding Garcia matter.

Unidentified discussed concerns regarding Garcia matter.

Thomas Jones discussed concerns regarding Garcia matter.

Matthew Williams discussed concerns regarding Garcia matter.

David Wilson discussed concerns regarding Garcia matter.

Daniel Wilson discussed concerns regarding Garcia matter.

Daniel Garcia Jr. discussed concerns regarding Garcia matter.

Gerald Sanders, COP Watch, discussed concerns regarding Garcia matter.

James M. Cosner discussed concerns regarding Garcia matter.

Jim discussed concerns regarding Garcia matter.

Deandre, Oct. 22 Coalition, discussed concerns regarding Garcia matter.

Leo Stegman discussed concerns regarding Garcia matter.

Greg Getty discussed concerns regarding Garcia matter.

Martina Guitterez supports Mark Garcia family.

Barry Toronto, United Taxi Workers, discussed concerns regarding Taxi Permits and asked to enforce airport violation of cabs and limousines.

Aladi supports Mark Garcia family.

Thereafter, the meeting was adjourned at 7:00 p.m.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meeting on ***Wednesday, September 1, 1999*** The next Police Commission Regular Meeting will be on **Wednesday, September 8, 1999**, at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, San Francisco, 5:30 p.m.

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 8, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Discussion and Action re: Revised General Order 6.10, "Missing Persons"
8. Discussion and Action re: Revised General Order 7.02, "Psychological Evaluation of Juveniles"
9. Discussion and Action re: Revised General Order 11.06, "Personnel Transfers"
10. Public Comments
    (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 8, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation of Three (3) Rifles (Arisaka, 7.7mm, 24" barrel with scope; Springfield, 30-06, 22 1/2" barrel; Enfield, .45mm, 18 1/2" barrel) and one (1) shotgun (Luigi Franchi, SPA, 12ga, 18 1/2" barrel) from James Speros for the use of the San Francisco Police Department

*There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

SEPTEMBER 8, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Perry, Friday

RESOLUTION NO. 77-99

APPROVAL TO ACCEPT DONATION OF THREE (3) RIFLES AND ONE (1) SHOTGUN FROM JAMES SPEROS FOR THE USE OF THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of three (3) rifles (Arisaka, 7.7mm, 24" barrel with scope; Springfield, 30-06, 22 1/2" barrel; Enfield, .45mm, 18 1/2" barrel), and one (1) shotgun (Luigi Franchi, SPA, 12ga, 18 1/2" barrel) from James Speros for the use of the San Francisco Police Department.

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Friday stated he attended training for Command Staff and Captains for the New Years celebration. He commended everyone involved especially Sgt. Dan Linehan.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders for Chief Lau briefed the Commission and the command staff regarding today's training for the New Years celebration.

He also stated crime down 40 percent in San Francisco.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

No report.

RESOLUTION NO. 78-99

ADOPTION OF REVISED GENERAL ORDER 6.10, "MISSING PERSONS"

RESOLVED, that the Police Commission hereby adopts revised General Order 6.10, "Missing Persons."

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

RESOLUTION NO. 79-99

ADOPTION OF REVISED GENERAL ORDER 7.02, "PSYCHOLOGICAL EVALUATION OF JUVENILES"

RESOLVED, that the Police Commission hereby adopts revised General Order 7.02, "Psychological Evaluation of Juveniles."

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

RESOLUTION NO. 80-99

ADOPTION OF REVISED GENERAL ORDER 11.06, "PERSONNEL TRANSFERS"

RESOLVED, that the Police Commission hereby adopts revised General Order 11.06, "Personnel Transfers."

AYES: Commissioners Herrera, Chan, Norman, Perry, Friday

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 6:00 p.m.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 15, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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09-15-99A10:

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

**There will be Public Comments on any item before or during discussion of each item.*

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SEPTEMBER 15, 1999 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Perry, Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Next week's meeting will be in the Northern District.

Commissioner Herrera discussed Murray Bill regarding racial profiling and asked the Chief to set criteria with the Department and OCC and report back to the Commission. Commissioner Herrera further asked the department for a report after the task force sets goals and report by June, 2001. Commissioner Norman to be liaison regarding task force.

John Crew inquired as to other departments collecting information.

Commissioner Norman will be out most of October. Will be attending the 13th meeting only.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau discussed press conference regarding drug arrests and service of search/arrest warrants. He stated 19 arrests and 2 lbs. of heroin were confiscated along with $5,000 cash in the Western Addition.

Commissioner Norman asked regarding crime statistics and Chief Lau stated crime is down 40 percent.

Commissioner Perry asked regarding retirement of Inspector Napoleon Hendrix and what the department is doing for him.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap thanked the Commission regarding Murray Bill and stated River Ginchild-Abeje will be the OCC's liaison on the task force.

PUBLIC COMMENTS

John Crew, ACLU, addressed the Murray bill and discussed money concerns. He asked the Commission sent a letter to the governor supporting legislation.

Thereafter, the meeting was adjourned at 6:10 p.m.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 22, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
7. Hearing on Disciplinary Charges filed against Inspector Robert A. Tayac, General Works (File No. C96-179[331] JWA)

**There will be Public Comments on any item before or during discussion of each item.*

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SEPTEMBER 22, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

No meeting on October 6th and next week, September 29th, will be in the Northern District.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

No report.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

No report.

PUBLIC COMMENTS

Emperor Arcadia discussed concerns regarding actions of police.

HEARING OF INSPECTOR ROBERT A. TAYAC, GENERAL WORKS (FILE NO. C96-179[331]JWA)

The hearing of Inspector Robert A. Tayac, Star No. 1299, General Works Detail, was called it having been set for this date. Inspector Tayac was charged with violating the Rules and Procedures, in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department, as follows:

SPECIFICATION NO. 1

Engaging in conduct that subverts the good order, efficiency, or discipline of the department or which reflects discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct that subverts the good order, efficiency, or discipline of the department or which reflects discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

Inspector Robert Tayac appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Closing statements were made by Mr. Jerry W. Akins and Mr. John Prentice.

The Commission took the matter under submission, recessed, deliberated and returned sustaining Specification Nos. 1 and 2. The Commission then

requested a recommendation from Chief of Police Fred H. Lau. It was the recommendation of Chief Lau that Inspector Robert Tayac be suspended for sixty (60) days for each specification, a total of 120 days, with 30 days held in abeyance for two years; total of 90 days suspension to be served.

Mr. John Prentice addressed the Commission regarding findings and recommendation of the Chief.

Character witnesses called by Inspector Tayac:

Ms. Sally Gallegos, Director of United Indian Nations, supports Inspector Tayac.

Ms. Margaret Mapes, mother of Inspector Tayac, supports Inspector Tayac.

Martin Wakajoo supports Inspector Tayac.
Marion Jackson, President OFJ, supports Inspector Tayac.
Officer Michael Zurcher supports Inspector Tayac.
Inspector Robert Tayac addressed the Commission.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 81-99

DECISION - HEARING OF INSPECTOR ROBERT TAYAC, GENERAL WORKS (FILE NO. C96-179[331]JWA)

WHEREAS, on October 29, 1996, Fred H. Lau, Chief of Police of the City and County of San Francisco, made and served charges against Inspector Robert Tayac, as follows:

SPECIFICATION NO. 1

Engaging in conduct that subverts the good order, efficiency, or discipline of the department or which reflects discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, Robert A. Tayac, Star Number 1299, (hereinafter called "the accused") was and is a police officer employed by the San Francisco Police Department assigned to the Property Control Section, now assigned to the Narcotics Division;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On October 6, 1995, the accused was assigned to a special project in the Property Control section, of the Administration Bureau and was assigned there at all times mentioned in these charges. The special project neither required the accused to investigate criminal activities nor involved any criminal investigation duties;

(4) In the spring of 1996, the accused was associated with a community economic development organization located in Oakland, California. In the spring of 1996, the accused became interested in the criminal history of a woman [hereinafter referred to as "the victim"] who was an official in a community health organization also located in Oakland, California. During the month of May, 1996, the accused used computer terminals in the San Francisco Police Department to access California Law Enforcement Telecommunications System [CLETS] records regarding the criminal history of the victim. The accused didn't have permission from, and was not requested by, any SFPD supervisor or any SFPD person

involved in the investigation of the victim or the organization to conduct an investigation of the victim. The accused, after accessing the computer database without permission, determined that the victim was the subject of an outstanding arrest warrant issued on February 16, 1995, regarding a charge of driving an automobile without a license. The accused used the information he gleaned from department computers to attempt to cause the arrest of the victim in Oakland, California, by Oakland Police Department officers;

(5) A search of the computer use history database revealed that the victim's criminal history records were accessed at least seven times during May of 1996. The accused admitted that he remembers accessing her criminal history records using the computer in the property control section at least three times, and specifically admitted accessing her records on May 31, 1996. The accused's conduct in this connection violated Penal Code §502(c), subdivisions (2), (3), and (7), which state:

"(c) Except as provided in subdivision (h), any person who commits any of the following acts is guilty of a public offense:

...

(2) Knowingly accesses and without permission takes, copies, or makes use of any data from a computer network, or takes, or copies any supporting documentation, whether existing or residing internal or external to a computer, computer system, or computer network.

...

(4) Knowingly and without permission uses or causes to be used computer services.

...

(7) Knowingly and without permission accesses or causes to be accessed any computer, computer system, or computer network."

(6) The accused, by using CLETS computer services and by accessing the CLETS network and using the information for personal reasons with no valid police purpose, violated the provisions of California Penal Code §502, and has engaged in conduct which any reasonable police officer would recognize as conduct which is prejudicial to the good order and efficiency of the department and reflects discredit on the department, and thus has violated Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"9. MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2

(7) Each and every allegation contained in paragraphs (1) through (5), inclusive, of SPECIFICATION NO. 1 above is incorporated herein by reference and is realleged as though set forth in full;

(8) On May 28, 1996, the accused was on duty and working in the property control section at the Hall of Justice. The computer use history shows that on that day, the accused accessed the criminal justice records regarding the victim. On May 31, 1996, at 1140 hours, the accused accessed the CLETS system and ran the victim's criminal history;

(9) On May 31, 1996, at approximately 1200 hours, the accused used a department cellular telephone to contact the Oakland Police Department

Central Dispatch. The accused requested that Oakland Police contact him. In response to the request, at 1210 hours, an Oakland Police sergeant returned the call to the accused on the cellular telephone belonging to the San Francisco Police Department. The accused answered the telephone and informed the Oakland Police sergeant that the accused was involved in an investigation in which the victim, whose records he accessed as alleged in Specification No. 1, was a suspect. The accused informed the Oakland Police sergeant that the victim is violent and he believed that she would commit a violent act in San Francisco. To prevent the violence, the accused informed the Oakland Police sergeant that the victim would be at a named health clinic on May 31, 1996, at 1300 hours. The sergeant understood the accused to be telling him the victim was going to the health clinic for medical care;

(10) In response to the request from the accused to help with his investigation, the Oakland Police sergeant sent a patrol officer to the health clinic. When the officer arrived at the clinic, the victim was identified as one of the participants in a meeting then in progress. The officer sought guidance from his superiors, as he was aware there was as an ongoing labor dispute and an internal dispute over control of the governing organization of the health clinic;

(11) On further consultation, it was determined that there was no merit to the accused's characterization of the victim as being violent. The Oakland Police determined that the accused was a participant in the internal struggles concerning control of the clinic and the victim was not arrested but was admonished to clear the traffic warrant. The Chief of the Oakland Police Department felt that the accused had caused the Oakland Police Department to become embroiled in the civil dispute regarding the organization running the clinic and that the accused may have accessed criminal history records improperly. The Oakland Chief of Police therefore forwarded the matter to the Chief of the San Francisco Police Department;

(12) The accused, by calling the Oakland Police Department while on duty and, based on improperly obtained criminal history records, requesting that they arrest a victim involved in a civil dispute in which the accused had an interest, has engaged in conduct which any reasonable police officer would recognize as conduct bringing discredit on the department and therefore, he violated Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"9. MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer, either within or without the State that tends to subvert the order, efficiency, or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.'

WHEREAS, hearings on said charges were held before the Police Commission pursuant to Appendix A., Section A8.343, of the Charter of the City and County of San Francisco on November 18, 1997, January 14, May 19, August 24, 1998, March 30, and April 16, 1999. On Wednesday, September 22, 1999, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds the allegations contained in Specification Nos. 1 and 2, as preferred by Chief of Police Fred H. Lau against Inspector Tayac, are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in

order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following disposition of charges and imposition of discipline:

SPECIFICATION NO. 1 - Sustained
SPECIFICATION NO. 2 - Sustained

That Inspector Robert A. Tayac be suspended sixty (60) days for each specification , a total of one hundred twenty (120) days; sixty (60) days shall be held in abeyance for two (2) years on condition of good conduct. That Inspector Tayac shall participate in a customized retraining program regarding computer use, to be prepared by the San Francisco Police Department.

FURTHER RESOLVED, that said sixty (60) days suspension shall commence on Thursday, September 23, 1999, at 0001 hours, and terminate on Sunday, November 21, 1999, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5 then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

Thereafter, the meeting was adjourned.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

Captain Walter Cullop and all the officers at Northern Station

Invite you to the Northern District meeting of the Police Commission

Wednesday
September 29, 1999 at 6:00PM

= Agenda

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It will be held at
Northern Police Station
Community Room
Turk and Fillmore

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 29, 1999
6:00 p.m.

NORTHERN DISTRICT
NORTHERN POLICE STATION
Community Room
1125 Fillmore Street (at Turk & Fillmore)
San Francisco

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
6. Captain Walter Cullop, Commanding Officer of Northern Station, to address the Commission on Police Activities in the Northern District
7. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

** There will be Public Comments on any item before or during discussion of each item.*

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SEPTEMBER 29, 1999 **REGULAR MEETING**

The Poliee Commission of the City and County of San Franciseo met in the Northern District. Northern Police Station. 1125 Fillmore Street, San Franeisco, at 6:05 p.m., in a Regular Meeting.

PRESENT: Commissioners Norman, Perry, Friday
ABSENT: Commissioners Herrera, Chan

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

No meeting on Oetober 6th. Next meeting will be on Oetober 13th.
The Commission welcomed the audience and introduced themselves.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau diseussed reeent news artiele regarding exeessive foree against a sergeant and asked for an investigation.
The Chief then introduced the Command Staff.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET, AND SUMMARY OF RECENT EVENTS

James Rodriguez, for Direetor Mary Dunlap, deseribed duties of the OCC.

CAPTAIN WALTER CULLOP, COMMANDING OFFICER OF NORTHERN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE NORTHERN DISTRICT

Captain Cullop deseribed the aetivities in the district and discussed crime stats.
Sgt. Marty Lalor diseussed nareotie and robbery activities in the distriet.
Commissioner Norman thanked Captain Cullop and the officers of Northern Station and also the community for their eooperation.

PUBLIC COMMENTS

Linda Bray diseussed coneerns regarding offieers.
Joann Minski, Viee President Oak/Fillmore Residents Association, eommended the offieers in elosing of Kings Market.
Diane Hamilton thanked the poliee for handling erime in the distriet and discussed concerns regarding drug aetivity in Bannaeker apartments.
Beverly Gallaread, resident, diseussed eoncerns regarding drug dealers in the area.
Judy Edmond, resident, discussed crime in the district and asked for more beat officers.
Riehard Johnson, Hayes Valley Neighborhood Assoeiation, diseussed eoneerns regarding staffing.
Diane Rose, President Citizens Aeademy Alumni, thanked the Chief for support of the Citizens Aeademy Alumni Assoeiation.
Alberto Moses, resident, diseussed crime in the distriet and thanked the offieers of Northern Station.

Thereafter, the meeting was adjourned at 7:45 p.m.

_____
Lieutenant Manuel Barretta
Seeretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SIDNEY CHAN
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Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meeting on *Wednesday, October 6, 1999* The next Police Commission Regular Meeting will be on **Wednesday, October 13, 1999**, at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, San Francisco, 5:30 p.m.

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

10/01/99 11:28 POLICE COMMISSION → 4155574475 NO.660 P002/002

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT MANUEL BARRETTA
Secretary

REGULAR MEETING
WEDNESDAY, OCTOBER 13, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance

2. Roll Call

3. Police Commission Announcements
   a. Motion of Calendaring of New Items

4. Chief's Announcements and Review of Recent Department Events

5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events

6. Discussion and Action re: Request of Patrol Special Officer John Andrews for Approval to Purchase Patrol Special Beat No. 40

7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

**There will be Public Comments on any item before or during discussion of each item.*

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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OCTOBER 13, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Perry, Friday
ABSENT: Commissioner Chan, Norman

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Herrera asked regarding report on Community Policing on November 10th.

October 27th meeting will be held in the Taraval District.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

No report.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap updated the Commission regarding staffing and stated that there are two administrative vacancies.

RESOLUTION NO. 82-99

APPROVAL OF REQUEST OF PATROL SPECIAL OFFICER JOHN ANDREWS TO PURCHASE PATROL SPECIAL BEAT NO. 40

RESOLVED, that the Commission hereby approves request of Patrol Special Officer John Andrews to purchase Patrol Special Beat No. 40 from Patrol Special officer George Thomas.

AYES: Commissioners Herrera, Perry, Friday
ABSENT: Commissioners Chan, Norman

PUBLIC COMMENTS

None.

Thereafter, the meeting was adjourned at 5:50 p.m.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 20, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Presentation of the OCC's Second Quarter Early Warning System Report
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Request of the Chief of Police to Accept Donation of a Bicycle from the Union Square Association Business Improvement District for use of the Tenderloin Task Force

**There will be Public Comments on any item before or during discussion of each item.*

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SAN FRANCISCO POLICE COMMISSION

October 20, 1999

There was no meeting held on this date

Agenda

THE
SAN FRANCISCO POLICE COMMISSION
and
THE OFFICERS OF TARAVAL STATION
invite you to:

A SPECIAL MEETING OF THE POLICE COMMISSION

Wednesday, October 27th, 1999
6:00 PM

Taraval Station Community Room
2345 24th Avenue

Periodically, the SF Police Commission holds special sessions at facilities located within the 10 police districts of San Francisco.

This meeting will offer residents of the **TARAVAL DISTRICT** an opportunity to address the Commission about problems or concerns in the City's largest police district.

Captain Yalon will present a *"state of the district"* message.
Public comment is encouraged.

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SIDNEY CHAN
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PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 27, 1999
6:00 p.m.

TARAVAL DISTRICT
TARAVAL POLICE STATION
COMMUNITY ROOM
2345 24th Avenue
San Francisco

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
7. Captain Michael Yalon, Commanding Officer of Taraval Station, to address the Commission on Police Activities in the Taraval District
8. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

CONSENT CALENDAR

1. Request of the Chief of Police to Accept Donation of a Bicycle from the Union Square Association Business Improvement District for use of the Tenderloin Task Force

** There will be Public Comments on any item before or during discussion of each item.*

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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

SAN FRANCISCO POLICE COMMISSION

October 27, 1999

There was no meeting held on this date

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING
WEDNESDAY, NOVEMBER 3, 1999
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505
San Francisco, California

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1. Roll Call

2. Public Comment on all matters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with legal counsel. (San Francisco Administrative Code section 67.11(a).)

4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code section 67.11(b).

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

   a. Iokhvetta Altman, Vita Burmenko, and Marianna Burmenko v. City and County of San Francisco, et al. Superior court No. 990-594

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 3, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on whether to Disclose Discussion and Disclosure of Action taken in Closed Session
4. Approval of Consent Calendar
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Presentation of the OCC's Second Quarter Early Warning System Report
9. Request of the Chief of Police for Approval to Retroactively Apply for, Accept, and Expend Funds from the State of California Department of Alcoholic Beverage Control (ABC) to Implement the "Every 15 Minutes" Program
10. Public Comments
    (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 3, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the Chief of Police to Accept Donation of a Bicycle from the Union Square Association Business Improvement District for use of the Tenderloin Task Force

2. Request of the Chief of Police to Accept Donation of Canine "Oskar" from Sergeant Darryl Tsujimoto for Use of the San Francisco Police Department K-9 Unit

3. Request of the Chief of Police to Accept Donation of Gym Equipment from Mr. C. John Gourgott, Owner of World Gym of Corte Madera, for Use of Mission Station

4. Recommendation of the City Attorney for Settlement of the following claim:

   a. Iokhvetta Altman, Vita Burmenko, and Marianna Burmenko v. City and County of San Francisco, et al. Superior court No. 990-594

**There will be Public Comments on any item before or during discussion of each item.*

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NOVEMBER 3, 1999 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
a. Iokhvetta Altman, Vita Burmenko, an Marianna Burmenko v. City and County of San Francisco, et. al., Superior Court No. 990-594

PRESENT: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

NOVEMBER 3, 1999 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION

The Commission voted not to disclose discussion and action taken in closed session.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 83

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION OF A BICYCLE FROM THE UNION SQUARE ASSOCIATION BUSINESS IMPROVEMENT DISTRICT FOR USE OF THE TENDERLOIN TASK FORCE

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of a bicycle from the Union Square Association Business Improvement District for Use of the Tenderloin Task Force.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

RESOLUTION NO. 84

APPROVAL TO ACCEPT DONATION OF CANINE "OSKAR" FROM SERGEANT DARRYL TSUJIMOTO FOR USE OF THE SAN FRANCISCO POLICE DEPARTMENT K-9 UNIT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of canine "Oskar" from Sergeant Darryl Tsujimoto for use of the San Francisco Police Department K-9 Unit.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

RESOLUTION NO. 85-99

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO ACCEPT

DONATION OF GYM EQUIPMENT FROM MR. C. JOHN GOURGOTT, OWNER OF WORLD GYM OF CORTE MADERA, FOR USE OF MISSION STATION

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of gym equipment from Mr. C. John Gourgott, owner of World Gym of Corte Madera, for use of the Mission Station.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

RESOLUTION NO. 86-99

IOKHVETTA ALTMAN, VITA BURMENKO, AND MARIANNA BURMENKO v. CITY AND COUNTY OF SAN FRANCISCO, et al.

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Iokhvetta Altman, Vita Burmenko, and Marianna Burmenko v. City and County of San Francisco, et al.," in Superior Court Case No. 990-594, be, and the same is hereby approved.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

The Commission was advised of the death of Sgt. Bob Barry.
The Commission asked that the meeting be adjourned in his memory.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders discussed Halloween events and commended the officers for their work. Chief Sanders also discussed death of Sgt. Barry.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap commended Sgt. Bob Barry.
Ms. Dunlap discussed demonstration of October 22nd and commended members of the department.
Commissioner Herrera asked for 8.01 report.

PRESENTATION OF THE OCC'S SECOND QUARTER EARLY WARNING SYSTEM REPORT

Director Mary Dunlap presented Early Warning Report.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FORM THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) TO IMPLEMENT THE "EVERY 15 MINUTES" PROGRAM

Put over at a later date.

PUBLIC COMMENTS

Barry Toronto discussed problems at Airport regarding limousines.

Thereafter, the meeting was adjourned in memory of Sgt. Bob Barry.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 10, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. Discussion and Action re: Request of the Chief of Police to Withdraw Disciplinary Charges filed against Officer William J. Banas, Solos (File No. C96-165[318] JWA)
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Presentation of the OCC's July and August, 1999, and Third Quarter, 1999, Statistical Reports
8. Discussion and Action re: Proposed Amendments to the Rules and Regulations for Patrol Special Officers and Assistants to Require the Reporting of On-duty Collisions
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

**There will be Public Comments on any item before or during discussion of each item.*

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NOVEMBER 10, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Norman, Friday
ABSENT: Commissioners Chan, Perry

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

No meeting on the November 24th.

Commissioner Herrera asked Assistant Chief Sanders to report back regarding New Year's Eve planning.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders for Chief Lau stated that the department is planing for Y2K celebration.

Chief Sanders discussed recruitment for new officers and that the department is recruiting nationwide to hire additional 200 officers.

Commissioner Herrera discussed lateral hires and asked extensive backgrounds of lateral hires.

RESOLUTION NO. 87-99

WITHDRAWAL OF DISCIPLINARY CHARGES FILED AGAINST OFFICER WILLIAM J. BANAS, SOLOS (FILE NO. C96-165[318] JWA)

WHEREAS, on January 17, 1997, Fred H. Lau , Chief of Police, made and served charges against Police Officer William J. Banas, Star No. 76, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department;

and

WHEREAS, on October 18, 1999, the Department requested that the matter be withdrawn from the Police Commission calendar for disposition by the Chief of Police; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Officer William J. Banas, Star No. 76, be, and the same are hereby continued off calendar.

AYES: Commissioners Herrera, Norman, Friday
ABSENT: Commissioners Chan, Perry

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

&

PRESENTATION OF OCC'S JULY AND AUGUST, 1999, AND THIRD QUARTER, 1999, STATISTICAL REPORTS

Director Mary Dunlap presented reports.

RESOLUTION NO. 88-99

APPROVAL OF PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS FOR PATROL SPECIAL OFFICERS AND ASSISTANTS TO REQUIRE THE REPORTING OF ON-DUTY COLLISIONS

WHEREAS, Patrol Special Officers and Assistant Patrol Special officers are regulated by Rules and Procedures established by the Police Commission; and

WHEREAS, existing rules and procedures do not require the reporting of on-duty vehicle collisions; now therefore be it

RESOLVED, that the Rules and Procedures for Patrol Special Officers and Assistant Patrol Special Officers are hereby amended by adding Rule 4.26, which states:

"4.26 **ON DUTY VEHICLE ACCIDENTS INVOLVING PATROL SPECIALS OR ASSISTANTS**

Patrol Special officers and Assistant Patrol Special Officers shall notify Communications if they are involved in a motor vehicle accident while on-duty. They shall also notify the on-duty Platoon Commander of the district police station they are assigned to. A Patrol Special officer or Assistant patrol Special Officer involved in an on-duty vehicle accident shall remain at the scene until a supervisory officer has responded and conducted his or her investigation."

AYES: Commissioners Herrera, Norman, Friday
ABSENT: Commissioners Chan, Perry

PUBLIC COMMENTS

None.

Thereafter, the meeting was adjourned at 5:55 p.m.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
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SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 17, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Discussion and Action re: Request of Patrol Special Officer Lawrence Heap for Approval to Reconvey Patrol Special Beat No. 57
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation of a 1995 Chevrolet Van for Use of the San Francisco Police Youth Fishing Program

**There will be Public Comments on any item before or during discussion of each item.*

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
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NOVEMBER 17, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 89-99

APPROVAL TO ACCEPT DONATION OF A 1995 CHEVROLET VAN FOR USE OF THE SAN FRANCISCO POLICE YOUTH FISHING PROGRAM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of a 1995 Chevrolet Van, lic. 5B09935, estimated value of $7,000.00, from the Little People's Program, for use of the San Francisco Police Youth Fishing Program.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

No meeting next week, November 24th.

RESOLUTION NO. 90-99

APPROVAL TO RECONVEY PATROL SPECIAL BEAT NO. 57 FROM PATROL SPECIAL OFFICER STEVE RUSSO TO PATROL SPECIAL OFFICER LAWRENCE HEAP

WHEREAS, on April 16, 1999, the Superior Court of California entered judgment ordering the San Francisco Police Commission to reconvey Patrol Special Beat No. 57 from Patrol Special Officer Steve Russo to Patrol Special Officer Lawrence Heap; therefore, be it

RESOLVED, that per Superior Court judgment No. 975989, the Police Commission hereby approves to reconvey Patrol Special Beat No. 57 from Patrol Special Officer Steve Russo to Patrol Special Officer Lawrence Heap.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Norman

Taken out of order.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau deferred to Dr. Craig Uchida who presented status of Community Policing.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap discussed article in the L.A. Times complimenting the department and OCC.

Ms. Dunlap also stated that River Abeje and Lt. Dave Shinn, Legal Division, are working of policy recommendations.

PUBLIC COMMENTS

None.

Thereafter, the meeting was adjourned at 6:00 p.m.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

5

11/24/99
Cancelled

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meeting on ***Wednesday, November 24, 1999*** The next Police Commission Regular Meeting will be on **Wednesday, December 1, 1999**, at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, San Francisco, 5:30 p.m.

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

PAT NORMAN
Commissioner

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 1, 1999
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance

2. Roll Call

3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer John A. Solis, Star No. 782, Support Services (File No. C99-249 JWA)

4. Police Commission Announcements
   a. Motion of Calendaring of New Items

5. Chief's Announcements and Review of Recent Department Events

6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events

7. Request of the Chief of Police for Approval to Retroactively Apply for, Accept, and Expend Funds from the State of California Department of Alcoholic Beverage Control (ABC) to Implement the "Every 15 Minutes" Program

8. Status Report re: OCC File No. 0861-96 (Garcia)

9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

**There will be Public Comments on any item before or during discussion of each item.*

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

DECEMBER 1, 1999 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Norman, Perry
ABSENT: Commissioner Friday

RESOLUTION NO. 91-99

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER JOHN SOLIS, STAR NO. 782, SUPPORT SERVICES DIVISION (FILE NO. C99-249 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer John Solis, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Dennis Herrera is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Solis; therefore be it

RESOLVED, that Commissioner Herrera is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer John Solis, and is to be set at a later date.

AYES: Commissioners Herrera, Chan, Norman, Perry
ABSENT: Commissioner Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

No report.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders updated the Commission on New Year's Eve plans.

Deputy Chief Holder presented Mr. Dan Pfiefer, H.U.D., who present an award to Lt. Kitt Crenshaw of the Narcotic Division.

RESOLUTION NO. 92-99

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) TO IMPLEMENT THE "EVERY 15 MINUTES" PROGRAM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to apply for retroactively, accept, and expend funds to implement the "Every 15 Minutes Program.

AYES: Commissioners Herrera, Chan, Norman, Perry
ABSENT: Commissioner Friday

STATUS REPORT RE: OCC FILE NO. -861-96 (GARCIA)

James Rodriguez, OCC, presented status report.

Lt. Denis O'Leary, Risk Management, stated that after the Chief's hearing, a report will be presented to the Commission to report findings of the Chief, as allowed by law.

PUBLIC COMMENTS

Bruce Kapsack discussed lack of notice and asked for more time before adoption to allow input from family members.

Dan Garcia discussed concerns regarding Garcia case.

Unidentified discussed concerns regarding actions of police.

Daniel Garcia, Jr., discussed concerns regarding Garcia matter.

Thereafter, the meeting was adjourned at 6:30 p.m.

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Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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Commissioner

LT MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meeting on ***Wednesdays, December 8, 15, 22, and 29, 1999*** The next Police Commission Regular Meeting will be on **Wednesday, January 5, 2000**, at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room 551, San Francisco, 5:30 p.m.

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